

Town of Grafton
Deliberative Minutes
Saturday, February 7, 2015

Moderator Susan Frost opened the meeting at approximately 9:08am at the Millbrook Christian Church.

Town officials present: Susan Frost, Moderator, Selectmen Steve Darrow, Leon Dugan and Sean Frost, Budget Committee members Ed Grinley, Scott Smith and Catherine Mulholland, Dorothy Campbell, Treasurer, Supervisors of the Checklist Marguerite Conley, George Curran and Jeff Weiss and Town Clerk Bonnie Haubrich.

Moderator Frost led the body with the Pledge of Allegiance. She then read a list of those residents who had passed away in 2014 and asked for a moment of silence. Moderator Frost then presented a small rose bush to Louise Gallup for her contributions to Grafton and stated that Louise represented the "Spirit of Grafton".

Frost then asked for a show of hands to identify nonvoters. She asked all nonvoters to move to the reserved seats in the front rows. Neil Alexander asked for a point of order regarding that request and stated that it made more sense to have nonvoters take a seat in the back since they did not have voting cards and could not vote on issues. Moderator Frost declined his request noting that it is important to protect the integrity of the votes. Alexander then made a motion to have a Moderator Pro-tem appointed due to Moderator Frost's inability last year to control the Deliberative Session and her incompetency. Jeremy Olson seconded the motion and asked for a review of RSA 30:3. Moderator Frost refused the motion.

Moderator Frost then introduced Amy Karuso, Valley News and John Koziol, Manchester Union Leader and went on to announce the rules for the session. Frost then explained the SB2 process.

Debbie Clough then asked Moderator Frost if she was going to take a vote to allow nonvoters to speak on issues. Frost asked Merle Kenyon, Elaina Bergamini and Deb Clough to be counters for the day. Brian Fellers stated that since Merle Kenyon was a candidate for 2015 as Selectmen he should not be allowed to count as he might be bias. Frost appointed Ken Cushing in place of Merle Kenyon. Moderator Frost polled the house. Ayes: 47; Nays: 35 Vote passed.

Chan Chou, a nonvoter, asked the Moderator to reconsider her request to have nonvoters sit in the front. He noted that he would not interfere with voting and that he wished to move about the room(s) throughout the day. Frost explained that he was free to go out in the lobby and about but when within the meeting he would need to sit in the front row.

Brewster Gove noted that the School Deliberative meeting took place last week and that the moderator did not have to verbalize every issues and that the meeting had moved right along. He asked that the same happen today, noting that everyone wanted to be done in less than 11 hours this year.

Cody Dugan made a motion to waive reading Articles # 3 through 36. Seconded by Susan Jukosky. Bob Constantine asked for clarification to ensure that this did not intend to skip over Articles. Moderator Frost explained that all Articles would be read but as they were discussed. This was just to save time. Ayes: 62; Nays: 5 Vote passed.

Article #2

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 the vote of the first session, for the purposes set forth therein totaling \$1,023,681. Should this article be defeated, the default budget shall be \$1,019,224, which is the same as last year, with certain adjustments required by previous actions of the Town of Grafton or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13X and XVI, to take up the

issue of a revised budget only. It excludes special warrant articles and other appropriations voted separately.

Motion to discuss by Joe Brown. Seconded by Jeremy Olson. **Jeremy Olson made a motion to go line by line. Seconded by Cindy Kudlik.**

Angus Gorman noted that the town officials (Budget Committee and Selectmen) had done a good job, spending countless hours meeting and researching what the needs of the Town are and that we should respect the work they had done and asked that the voters be allowed to vote it as is. Cindy Kudlik noted that there had been some changes in the figures since the public hearing and that she wished to know what those changes were and why. Catherine Mulholland stated that during the mathematical calculations an error had been made and that no real changes had been made. Adam Franz stated that it was such a small discrepancy and that if people were really interested in how the Budget Committee had come up with the figures they should have attended the Budget Committee meetings. Karen Meyers stated that this was just a blatant move to stall the meeting. She also stated that the bottom line is the only figure that really counts as the Selectboard had the authority to move funds around and that the voters simply vote on the bottom line. John Connell noted that not everyone can attend the meetings and further stated that he did not want to delay the meeting any more than anyone else did. Jeremy Olson stated that he had 3 reasons to go line by line; (1) might want to hear the logistics, (2) what changes the Budget Committee made to which departments and (3) and that the Selectboard has permission to move monies. Elaina Bergamini asked that the meeting stay on topic and ask that people not duplicate what another has already said. Susan Jukosky noted that the body could ask questions without going line by line. Cindy Kudlik noted that she would be willing to go to the bottom line figure if she could hear why the figures had changed.

Brewster Gove moved the question. Seconded by Travis Anderson. Ayes: 70 Nays: 23 Vote passed. Debbie Clough again noted that even if line by line the Selectboard have the authority to move the funds. Susan Jukosky stated that the question had been moved which disallowed further discussion. Moderator Frost stated that her rules stated that anyone already in line would have the opportunity to speak. Neil Alexander stated that anyone should have the opportunity to discuss and persuade his neighbors to change their minds. Discussion ensued regarding the need for speakers to speak at the microphone. Brian Fellers presented a request for a secret ballot signed by Richard Angell, Christopher Kairnes, Paul Vogt, Howard Boucher, Denise Smith, Brian Fellers and Neil Alexander. **Jeremy Olson made a motion to go line by line. Seconded by Cindy Kudlik. Ayes: 27 Nays 66 Vote failed.**

David Rienzo asked that the petitioners for a secret ballot be read aloud. Moderator Frost read the signatures. Moderator Frost also noted that there were 2 ballots which were torn in half instead of being marked but since it would not make a difference in the vote she was not going to revote the amendment. John Babiarz complained that there were no writing instruments available and that there was no privacy noting that everyone was expected to mark their ballots in the open line. Frost stated that for future votes the Police Chief would monitor the voting process. Angus Gorman stated that the secret ballot process is a delay tactic. Moderator Frost stated that the constant Point of Orders impedes progress of the meeting. Neil Alexander stated that the law is the law and the people have a right to a secret ballot. Brewster Gove noted that the Moderator should recognize people at the microphone and that people are very confused as to what they are voting on. **Motion by Daniel Bergamini, "Motion to address budget at the bottom line." Seconded by David Rienzo seconded.** Steve Kudlik asked the Budget Committee to speak on the monetary difference in what is on the Warrant and what was discussed at the public hearing. And also asked the Budget Committee to address the impact on taxes. Ed Grinley, Budget Committee Chairman, stated that the Clerk had made a mathematical error on the information presented at the public hearing. She transposed the numbers between the Selectboard recommendation and the Budget Committee. Steve Kudlik asked why the revenue estimation is down from last year. Steve Darrow stated he could not speak to that as he did not have the information with him. Sue Smith stated that the difference in revenues is due to the fact that the Town had a tax auction last year and there are no anticipated revenues for that at this time as it is too early to know if there will be a tax sale. Steve noted that with the 2015 budget proposal there would be a 24 cent/\$1000 increase to the taxpayers. Susan Jukosky thanked the meeting for the civil questions and discussion and noted that a calm has come over the room. **Amendment by Brian Fellers to read, "I make a motion to cut the general government to \$300,000". Seconded by Jeremy Olson.** Moderator Frost refused the amendment as she declared that it was a duplicate of line by line, which had failed. Jeremy Olson argued that it was not a mirror of the line by line motion. Elaina

Bergamini reminded the Moderator that Daniel Bergamini's motion was still on the floor. Neil Alexander stated that the meeting was unclear as to what they are voting on. Jeremy Olson declared that he had presented a motion to go line by line, not bottom line and that these tactics were why at the beginning of the meeting some of the voters tried to have the Moderator replaced. Christopher Kairnes stated that Brian Fellers should have made a motion to amend. Neil Alexander asked if it was the Moderator's role to come up with a vote for the legislative body. Bonnie Haubrich reminded the voters that ultimately the Selectmen have the authority to move funds around. Joe Brown stated that although it was not appropriate to go department by department Brian Fellers should be able to present his amendment to decrease the budget. Dan Bergamini asked that the Moderator act on his motion. **David Rienzo made a motion to move the question. Seconded by Brewster Gove. Ayes: 80 Nays: 31 Motion passed.** Brewster Gove asked the Moderator why the vote required a 2/3 vote. Moderator Frost noted that a motion to move requires 2/3 by law. **Motion to address budget at the bottom line by Dan Bergamini. Seconded by David Rienzo. Ayes: 79 Nays: 20 Motion passed.** Amendment by Brian Fellers to read, **"I move to amend budget reduced by 20% to \$818,945"**. **Seconded by Bob Constantine.** A request for a secret ballot was presented by Brian Fellers with 7 signatures. Susan Jukosky asked that they withdraw their request for a secret ballot accusing them of delay tactics. Jeremy Olson stated that the Moderator had stated that we should not question others motivation. Joe Brown stated that it is the Moderator's role to limit or remove disruptions. Neil Alexander reminded everyone that not everyone wants to openly discuss their preferences and that a secret ballot promotes voters' rights. Moderator Frost stated that when she took the role of Moderator she knew there would be emotional times for her to contend with but that she felt that there was an opportunity for the townspeople to work together. Amendment by Brian Fellers to read, **"I move to amend budget reduced by 20% to \$818,945"**. **Seconded by Bob Constantine. Ayes: 29 Nays: 67 Vote failed.** David Rienzo moved the question. Seconded by Dan Bergamini. Jeremy Olson reminded the Moderator that her rules stated that if, in line, the people could speak on the issue. **Move the question: Ayes: 73 Nays: 27 Vote passed.** Jeremy Olson attempted to present an amendment. Neil Alexander stated that he had approached the Moderator prior to moving the question and she had agreed to accept his motion. He asked if she was breaking her word and her own rule. The Moderator replied that she was. Jeremy Olson asked the Moderator to clarify the rules. Moderator Frost stated that a Point of Order takes precedent. Motion to limit reconsideration by David Rienzo and seconded by Daniel Bergamini. Jeremy Olson asked if Article #2 was still on the floor for discussion. Frost stated that she would not take any future amendments on Article #2. Elaina Bergamini asked if the Moderator should change her rule allowing further discussion on an article after a "move" was made due to the confusion that it is causing. Neil Alexander asked to speak. Brian Fellers accused David Rienzo of moving up in line to make his motion. **Motion to limit reconsideration by David Rienzo and seconded by Daniel Bergamini. Ayes: 74 Nays: 22 Vote passed.** Susan asked the body if they would like to overrule her rule of allowing people, in line, speaking after a "move the question". Neil Alexander asked for a Point of Order. Moderator Frost refused to recognize Mr. Alexander referencing it as a disruption. **Frost took a vote of the body to disallow speakers to speak after a "move the question". Ayes: 74 Nays: 22 Vote passed.**

Article #3

To see if the town will vote to authorize the selectmen to enter into a 6 year municipal lease-purchase agreement in the amount of \$175,511 for the purpose of leasing a fully equipped 2015 International 7600 6X4 dump truck with plow and sander, and to raise and appropriate the sum of thirty-two thousand one hundred eighty-six dollars (\$32,186) for the first year's payment for that purpose. The remaining yearly payments to come from the Highway Operating Budget. This lease agreement contains an escape clause. (Majority vote required)

The Selectmen recommend this article/ the Budget Committee recommends this article.

Steven Darrow stated that there were not adequate funds in the Capital Reserve to cover this expense. He stated that the Town needs a new truck as one of our present trucks will not pass inspection Angus Gorman stated that the next few Articles were supported both by the Selectmen and the Budget Committee and moved the question. Seconded by Sean Frost. Joe Brown asked for a Point of Order. Moderator Frost declined the Point of Order. **Motion to move the question. Ayes: 66 Nays: 22 Vote passed.** Motion to Limit Reconsideration by Brewster Gove. Seconded by David Rienzo. Joe Brown noted that his Point of Order addressed the need to have discussion. Susan Jukosky stated that there had

been opportunity for discussion but that no one was standing at microphone. Merle Kenyon asked the Moderator to declare a recess. Bob Constantine had put in a request for a secret ballot but withdrew it at this time. All signers agreed to withdraw. John Babiarz asked the Selectmen to explain the escape clause. Steve stated that if future funds are not allocated the lease is terminated. Babiarz asked if the future funds would be within the operating budget for the Highway Department. Darrow answered in the affirmative. **Motion to Limit Reconsideration by Brewster Gove. Seconded by David Rienzo. Ayes: 64 Nays: 21 Vote passed.**

Article #4

To see if the Town will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) to be added to the previously established Bridge Capital Reserve Fund. ***The Selectmen recommend this article/the Budget Committee recommends this article.***

Motion to discuss by Steve Darrow. Seconded by Ed Grinley.

Steve Darrow explained that there are 2 bridges that are “red listed”; Prescott Hill Road (2017) with an approximate cost of \$65,000 and Wild Meadow Road (2019) at a cost of \$368,000. Ed stated that the Budget Committee was in agreement with this appropriation. He noted that when it comes time the Town needs to have enough money to cover the costs. Bob Constantine asked if the funds in that Capital Reserve Account could only be used for that purpose. Steve responded in the affirmative. Motion to Limit Reconsideration. Passed by a show of hands.

Article #5

To see if the town will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) for the purpose of placing ledge pack on town dirt roads. (Majority vote required).

The Selectmen recommend this article/the Budget Committee recommends this article.

Motion to discuss by Steve Darrow. Seconded by Merle Kenyon. Ed Grinley, on behalf of the Budget Committee, stated that the Road Agent had indicated that this would be the last year for this warrant article request as all of the roads should be addressed with ledge pack. Jeremy Olson questioned why these articles state “majority vote required”. Ed noted that items over \$100,000 require a 2/3 vote.

Motion to Limit Reconsideration by Bonnie Haubrich. Seconded by Merle Kenyon. Motion passed by a hand vote.

Article #6

To see if the town will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) for the purpose of paving town roads. (Majority vote required)

The Selectmen recommend this article / the Budget Committee recommends this article.

Motion to discuss by Neil Alexander. Seconded by Cindy Kudlik. Steve Darrow stated that these funds would be used to repair/repave the existing paved roads in Town and it is not meant to pave any new roads. Joe Brown asked which roads would be repaired/repaved. Darrow stated that the Board does not usually divulge that information. He stated that the monies are worthy of spending regardless of where in Town. John Babiarz noted that for years he has been requesting money be spent on the parking lot at the Fire and Ambulance Station and the Selectmen’s Office complex and that it may be too late to just patch what exists. Adam Franz asked what number of paved roads do we have versus unpaved?

Christopher Kairnes asked if Riddle Hill Road was one of these roads. Darrow stated that there are approximately 10 miles of paved roads in Grafton and that Riddle Hill was probably one of the roads being earmarked to repair. Leon stated that Riddle Hill needs to be finished with a top coat since there had already been quite a bit of repair/restoration in the past few years. Brewster Gove asked if we get funds back from the State of New Hampshire for our paved roads. Leon stated that those funds cover all roads, not just paved roads. Brewster stated that the Road Agent does a good job and needs to have the authority to choose which roads are addressed when it comes time to repair/repave. **Motion to Limit Reconsideration by Merle Kenyon and seconded by Sean Frost. Motion passed by hand vote.**

Article #7

To see if the Town will vote to expand the purposes of the existing Recycling Center Revolving Fund so that the funds may be utilized to offset all of the costs of the Recycling Center, including operating expenses, purchasing equipment, or any other expense associated with the Recycling Center.

Motion to discuss by David Rienzo. Seconded by Angus Gorman. Sean Frost stated that currently the Revolving Account can only be used for recycling purposes and the intent is to utilize some of these monies to offset the operating budget for the Recycling Center. Bob Constantine asked if this would include salaries and wages and if an increase would it allow for increase or decrease. Sean answered it could pay salaries and wages. Leon Dugan stated that presently it does not allow to purchase equipment and this would be included in the future. Bob Constantine asked if it would give the Town more latitude. Leon asked if he was insinuating the Town goes to pay per bag? Sean stated that the Town does not expect an increase and that the Board would like to restructure what we have. Ed stated that the Budget Committee took into consideration the revenues to reduce the budget request. David Rienzo asked if this would reduce oversight. Sean stated that all expenditures must be signed off by the Selectboard. He noted that the Highway Department members are being trained to cross cover for when the Highway Department is slow. Joe Brown asked how much money is in that account at present. Steve Darrow responded it is approximately \$40,000. **Motion to Limit Reconsideration by Bonnie Haubrich. Seconded by Merle Kenyon. Motion passed by hand vote.**

Article #8

Should article #2, the proposed operating budget for 2015, fail to pass, then to see if the Town will vote to raise and appropriate the sum of two thousand four hundred eighty dollars (\$2,480) coming from the library fiduciary fund to be added to the default budget of the library. That sum being omitted from the 2014 operating budget because of a clerical error. This article will have no impact on taxation.

Motion to discuss by Joe Brown. Seconded by Merle Kenyon. Ed noted that the Budget Committee agreed to this expenditure as the state went to a new form and because of the need to go with gross budgeting the monies had been accidentally omitted. Steve Darrow noted this would replace the monies that the Library had to use from their Trustee funds. Angus Gorman thanked everyone for the pleasantries since the lunch break. **Motion to Limit Reconsideration by Merle Kenyon. Seconded by Brewster Gove. Motion passed by a show of hands.**

Article #9

To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be added to the previously established Library Capital Reserve Fund.

The Selectmen recommend this article/ the Budget Committee recommends this article.

Motion to discuss by Cindy Kudlik. Seconded by Merle Kenyon. Steve Darrow noted that these funds would be put aside for the long-range plan. At the present location they cannot add a septic or a well. He noted that the Town had been a recipient of a very large donation and these monies would be vital to the future plan. Jeremy Olson asked if the monies would be used for the present building or a new building. Steve stated that the Library Trustees are working on different proposals. Adam Franz stated that the Library Trustees have published a proposal on the website should people like to become familiar with it. Joe Brown asked if any expenditure would come before the voters prior to removing the money. Steve Darrow affirmed that would be the case. Brewster Gove stated that due to the present Library's historical value he would like to ensure that the present building be moved to a new location and incorporated into the plan. Steve Darrow stated that a resident, Chester Gray had purchased land on Library Road and generously donated it to the Town. Moderator Frost asked for Mr. Gray to identify himself and the voters gave him a round of applause. **Motion to Limit Reconsideration by Brewster Gove and seconded by Merle Kenyon. Motion passed by a show of hands.**

Article #10

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the previously established Police Vehicle Capital Reserve Fund.

The Selectmen recommend this article/the Budget Committee recommends this article

Motion to discuss by Cindy Kudlik and seconded by Cindy Drouin. Steve Darrow noted that this is a savings account towards a new police cruiser when it is time to purchase one. He noted that the cost for a new equipped cruiser is approximately \$30,000 and that the Capital Reserve has less than \$20,000 at present. Neil Alexander asked if there are any laws requiring markings and stated that our newest cruiser is not marked. Ed Grinley said there are no laws that require it to be marked and that it is merely an added expenditure. Adam Franz asked what the life expectancy is for our cruisers. Police Chief Poitras stated that an average is 100,000 miles and that Grafton traditionally stretches it another 33%. He also noted that at present the cost is approximately \$38,000. John Connell said he had been told that it costs more for a black cruiser versus a white cruiser and asked why we did not purchase the cheaper vehicle. Chief Poitras stated that our new cruiser was to cost more but he had gotten a deal for one year newer, which was black due to another town ordering it and not taking it. Sean Frost stated that although our vehicles show mileage it is understood that due to the need to leave them running during a response they vehicle has an additional 2 or 3 times more hours on the engine. Christopher Kairnes questioned if a purchasing agent from Connecticut has approached the Selectboard offering a much cheaper vehicle and that the Board had refused to entertain the purchase. Sean Frost stated that the Board had not been approached by any purchasing agent. **Motion to move the question by Brewster Gove and seconded by Cindy Drouin. Motion to Limit Reconsideration by Merle Kenyon and seconded by Cindy Drouin. Motion passed by show of hands.**

Article #11

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) for the purpose of restoration of the Town's historical records. (Majority vote required).

The Selectmen recommend this article / the Budget Committee recommends this article.

Motion to discuss by Joe Brown. Seconded by Merle Kenyon. Steve Darrow stated that many of the Town records are in poor shape and this is part of the restoration project. Ed Grinley asked that Bonnie Haubrich speak to the issue. Bonnie explained that the restoration project began in 1995 with the restoration of 5 books. She said the project went dormant until 2011 when she applied for a Moose Grant in the amount of \$10,000 (the most you can request) and was awarded \$9973. This restored 7 books. She applied for a Moose Grant again this year in the amount of \$10,000 and was awarded another \$9910. which will restore 4 books. Adam Franz asked what value this restoration project has. Bonnie explained that these books tell the story of Grafton, its past and present. The books contain births, deaths, marriages, tax records, Town meetings, Selectmen's decisions, etc. The books date back to the 1700 and many of them are missing covers, losing the print and tearing. Bonnie stated that the mere fact that they hold Grafton's history they are priceless. She noted that there are approximately 40 more books in her possession at this time which should be preserved, but approximately 17 more in very tender condition. **Motion to Limit Reconsideration by Brewster and seconded by Cindy Drouin. Motion passed by a show of hands.**

Article #12

Resolved that the State of New Hampshire provide a comprehensive meaningful system of funding for State Education needs. To see if the Town will vote to ask our governor and our state legislators to reform state funding for education with that reform to be directed to significant reduction of property taxes. The record vote approving this article shall be transmitted by written notice from the Select Board to the governor and state legislators informing them of the instructions from their constituents within 30 days of the vote.

Motion to discuss by Cindy Kudlik and seconded by Merle Kenyon. Steve Darrow noted that the Selectboard had been asked by another Town to put this article on the Warrant regarding school funding to take the onus off the property owner. Jeremy Olson asked if the Selectmen had written the Article. Steve Darrow stated that a Selectman of Webster had asked the Board to include it. **Motion to limit reconsideration by Angus Gorman and seconded by Christopher Kairnes. Motion passed by show of hands.**

Article #13

Shall the Town vote to adopt RSA 34:16 allowing municipalities to pay for investment services from capital reserve funds, if approved at town meeting, instead of including such fees in the annual town budget, to be paid by the town. If approved, such authority shall remain in effect until rescinded by the governing body. No vote by the governing body to rescind such authority shall occur within 5 years of the original adoption of such article. Any professional fees incurred shall be reported in the annual report of the trustees of trust funds as expenditures out of capital reserve funds. Passage of this article will not appropriate any new tax revenue and is self-funded from earnings.

The Selectmen recommend this article.

Neil Alexander asked for a Point of Order. He asked why the Selectmen had not been consistent with their “recommendations” noting that Article #12 did not contain a recommendation. Steve stated that the Selectboard and the Budget Committee agree that the Trustees of the Trust Funds are in charge of investments. Ed Grinley stated that the Budget Committee only puts recommendations of money Articles. John Connell stated that all Articles should have the Selectmen’s recommendation. Steve stated that it was an oversight and that in the future they will ensure that it appears. Jim Griffin asked how this Article affects all funds or just Capital Reserve funds. Catherine Mulholland stated that in the past Capital Reserve accounts have not been allowed to take fees out for investments; that these fees have been coming out of the General Fund. This would allow the fees to come from the Capital Reserve funds. She noted that with the bond manager at the lowest point we are still coming out ahead with our investments. Jeremy Olson stated that he is one of the Trustees of the Trust Funds and that this type of management has been more profitable and they are required to invest in “safe” bonds. Jim Griffin stated that if the fees are to come from the Capital Reserve funds the funds will have to be made up in other ways. **Motion to Limit Reconsideration by Sean Frost and seconded by Christopher Kairnes. Motion passed by a show of hands.**

Article #14

To see if the Town will vote to prohibit all parking along Grafton Pond Road, to erect a total of up to a dozen signs in proximity to the dam in both directions which clearly display the ordinance and penalty, to distribute warning tickets and photo-document first offenses, and to authorize official Police, Fire, Ambulance, or Highway departments to order towing at owner’s expense for repeat offenders or excessively unsafe first offenses. Grafton Pond Road, which is owned and maintained by the town, starts at the Enfield border, goes past Grafton Pond dam, and ends at the 3-way intersection with Kinsman Highway and Hardy Hill Road. This article is intended to reduce the current severe overuse issue at Grafton Pond, and to ensure there is a safe and reliable passage for residents and emergency vehicles. ***(By Petition)***

Motion to discuss by Joe Brown and seconded by Christopher Kairnes. Angus Gorman presented this Article, being the author of it. He noted that he is the closest year round resident to the Grafton Pond boat landing. He stated that there can be upwards of 50 people at the boat landing on a summer day and the parking creates hazards; including the impossible passage of emergency vehicles. He said that he is not encouraging widening the road, which could only create additional traffic. He noted that the pond is overused. The state addresses parking according to low expectation of usage due to the remote location but it is widely used by the upper valley and out-of-staters. Cindy Kudlik asked who would pay for the parking signs and enforce the no parking ban. Steve Darrow stated that the Town presently owns a number of signs. He further stated that the signs might cut down much of the problem of enforcing. Sharon Duffy asked if there could be fees for parking. Ed Grinley responded that any such fee would have to go to the State and not stay in Grafton. John Connell expressed his concern that it may be “selective” enforcement. Much discussion ensued regarding restricting parking on one side only, enlarging the parking lot and parking further down in Enfield. Angus suggested he would be willing to put “tickets” on windshields and it may not require a law enforcement agent. Jeremy Olson suggested we would be scaring people away from spending money in Grafton and asked if the Town knows what the State rules are. Sean Frost stated that legal counsel indicated that the Selectboard has sole authority over roads. Cindy Mogan asked if we could establish a parking lot somewhere else. Sean noted that the surrounding area is privately owned. Angus noted that this was not his sole idea that he shared the concerns of other land owners and State agencies. **Motion to move the question by Sean Frost and**

seconded by Scott Smith. Motion to Limit Reconsideration by Sean Frost and seconded by Christopher Kairnes. Motion passed by a show of hands.

Article #15

To see if the town will vote to have the Town of Grafton allow registered four wheelers to travel the roads of Grafton. (***By Petition***)

Motion to discuss by Cindy Kudlik and seconded by Jeremy Olson. Christopher Kairnes stated that although he does not own a 4-wheeler he saw no problem unless a person is doing damage. Daniel Moore stated that he drives a large truck and he prefers 4-wheelers not darting out in front of him. Ed Grinley noted that the sponsor of the Article was not present to speak on it. He further stated that the Town of Colebrook does not allow 4-wheelers on all roads, only 2 small access roads that lead to trails. Adam Franz stated that as long as they are legally registered he saw no problem. Jeremy Olson stated that these vehicles would fall into the same category as Smart Cars, mopeds and bicycles. Debbie Clough stated that she would be surprised if the State of New Hampshire does not already have rules in place for 4-wheelers. Steve Darrow noted that legal counsel states that this Article if passed is advisory only. Jeremy Olson asked the Selectboard should this Article pass would the Selectmen then ignore the voters? Steve Darrow responded, yes. Motion to Limit Reconsideration by Sean and seconded by Christopher Kairnes.

Cindy Kudlik asked the Moderator to adjourn for a break. Seconded by Bob Constantine. Moderator Frost asked the body to get through to Article #20 and then she would declare a break. All agreed and the motion was withdrawn.

Article #16

To see if the town will vote to have all meeting minutes recorded and transcribed by a reputable outside source. (This is to avoid confusion when minutes are needed for court.) (***By Petition***).

Motion to discuss by Jeremy Olson and seconded by Amy Jacques. Steve Darrow noted that the Board appreciated the professional and efficient minute takers presently taking minutes and that this would be a very costly endeavor. John Connell asked if this would be opening the door to a large cost to the Town. Does it mean all boards; all minutes? Jeremy Olson asked where the cost would come from. Steve Darrow agreed that it would be very costly. He stated that the author of the petition was not present to speak on it and that the law suit was not “hatched up yet”. David Rienzo noted that the cost for a professional transcriber would be mind boggling – thousands of dollars. Sharon Duffy asked if the meetings could be video recorded. Sean Frost noted that legal counsel has determined this Article as advisory only.

Amendment presented by Neil Alexander and seconded by Christopher Kairnes to read, “To see if the town will vote that the Town record electronically meetings and make them available to 91-A requests. (This is to avoid confusion when minutes are needed for court.) (***By Petition***). “

Much more discussion ensued including the non-public records, the fact that the Town does not own a recording system (and the expense of such); someone to set up this system, practicality of such an expense. John Babiarz reminded voters of the changes of media sources over the years (8 tracks, CDs, DVDs, etc. Sean noted that the Administrative Assistant would be responsible to copy these records for 91As and the work it would create. Joe Brown agreed that meetings should be recorded but that if it is important everyone can attend the meetings. Cindy Kudlik noted that she attends most Selectmen’s meetings and posts the video she records on her website and her website could be utilized if the Town wishes. Neil Alexander cautioned that some departments (accusing the Ambulance Department) of destroying records which were incredibly important. **Amendment #16 (1) failed by show of hands.**

Article #17

To see if the Town will vote to instruct the Chief of Police to not prosecute any matter relating to the use or possession of cannabis (marijuana). (***By Petition***)

The Selectmen do not recommend this article.

Motion to discuss by Bob Constantine and seconded by Christopher Kairnes. Bob Constantine presented an amendment which read, "To see if the Town will vote to instruct the Police Chief to not prosecute any matter relating to the use or possession of cannabis (marijuana) in compliance with Article IX and Article XIII of the United States Constitution." Bob Constantine spoke on the amendment. **Ayes: 31 Nays: 29**
Vote passed.

Motion to Limit Reconsideration by Christopher Kairnes and seconded by Elaina Bergamini.
Motion passed by a show of hands.

Motion to Limit Reconsideration on Warrant Article #16 by Sean Frost and seconded by Steve Darrow. **Motion passed by a show of hands.**

Article #18

To see if the Town will vote to instruct the Select Board and the Budget Committee to reduce the operating budget by ten percent for the next three years. (***By Petition***)

The selectmen do not recommend this article.

Motion to discuss by Cindy Kudlik and seconded by Laurie Dacier. Joe Brown made a motion to remove the Selectmen's recommendation on Article #18 and seconded by Jeremy Olson. Sean Frost stated that the state law requires recommendation on monetary and special articles and allows discretion of the Board to place it on other articles. Joe Brown said he had spoken to the DRA, Attorney General's Office and the Secretary of State's Office and they did not agree. Sean said that the Selectboard had also spoken with those same offices and were told that the question should be referred to legal counsel. Adam Franz asked if the legal counsel was rendering such an opinion for financial gain. Sean stated that it is not the Selectmen's job to interpret laws and that the Selectboard has done its job and the Town has paid someone for these legal opinions. Thomas Ploszaj asked if the state challenges our legal decision who pays the cost. Sean responded that the taxpayers would pay. Tom asked if legal counsel has insurance to cover the costs. Steve said that in the past, if they had made a bad call, they waived their fees. Discussion continued regarding the opinion. Sean stated that no one was interested in listening to law suits and suing and that the Selectmen had all taken oaths to represent the voters. **Motion to remove the Selectmen's recommendation on Article #18. Ayes: 20 Nays: 45 Motion failed.**

Amendment presented by John Bagley which read, "To see if the Town will vote to instruct the Selectboard and the Budget Committee to reduce the operating budget by 0% for the next 3 years." John stated that the budget is plenty sparse as presented and that our officials do a good job in managing the Town's funds. Bob Constantine presented a request for a secret ballot at this time. Joe Brown, John Connell, Steve Kudlik, Bob Constantine argued that this amendment changed the intent of the Article. Daniel Bergamini noted that this Article is advisory only and not enforceable, therefore not to spend a lot of time on it. Neil Alexander asked the Selectmen if the original Article passed would the Selectboard be in favor of it. Steve Darrow commented that it is always the intent of the Selectboard to keep the taxes as low as possible. John Bagley withdrew his amendment. Bob Constantine and cosigners withdrew their request for a secret ballot. Brewster Gove noted that petitioner should be present if requesting a secret ballot. **Motion to Limit Reconsideration by Sean Frost and seconded by Steve Darrow. Motion passed by a show of hands.**

Article #19

To see if the Town will vote to establish an ordinance to discourage or otherwise prevent fraud and abuse of office at the local level. The title of this ordinance shall be "Fraud Remediation Ordinance for Small Towns" (F.R.O.S.T.). This ordinance requires any Town official found to have committed fraud, which includes the falsification of public documents, to be removed from office forthwith. (***By Petition***)

The Selectmen do not recommend this article.

Motion to discuss by Joe Brown and seconded by Jeremy Olson. Jay Boucher stated that he is opposed to fraud and invited anyone to step up if they are in favor of fraud. Amendment to Article #19, which read, "To see if the Town will vote to establish an ordinance to discourage or otherwise prevent fraud and abuse of office at the local level. This ordinance requires any Town official found to have committed

fraud, which includes the falsification of public documents, to be removed from office forthwith.” by Elaina Bergamini and seconded by Dan Moore. Jeremy Olson argued that it would change the intent of the Article. John Babiarz stated that he was shocked that there are State and Federal laws against such things and further stated that is Article was ridiculous. Debbie Clough stated that this was an embarrassment to the Town. Bob Constantine said that people were missing the point and asked if the Selectmen concur. Sean responded that “silence is the higher road to resolution”. Steve Darrow stated that this was an Article to bust someone’s chops. **Vote on Amendment to Article #19. Ayes: 49 Nays: 14. Vote passed. Motion to Limit Reconsideration by Sean Frost. Seconded by Elaina Bergamini. Ayes: 53 Nays: 12 Vote passed.**

Article #20

To see if the Town will vote to preclude the Town from paying the personal legal expenses and personal medical expenses of any Town official. ***(By Petition)***

The Selectmen do not recommend this article.

Motion to discuss by Cindy Kudlik and seconded by Steve Kudlik. Steve Kudlik asked if this included ambulance and fire officials. Steve Darrow stated that according to legal counsel this Article is advisory only. Sean Frost added that RSA 39:101 states that it is the Town’s responsibility to cover Town officials while performing their duties. **Motion to Limit Reconsideration by Russell Poitras and seconded by Dan Bergamini. Motion passed by a show of hands.**

Article #21

To see if the Town will vote to preclude immediate family members from serving on any Town board concurrently. ***(By Petition)***

The Selectmen do not recommend this article.

Motion to discuss by Joe Brown and seconded by Laurie Dacier. Bob Constantine requested that the Moderator read Articles #22 through 36, vote the Article and close the meeting without discussion. Bonnie Haubrich responded that no Articles may be passed over and discussion has to take place before an Article can be voted on. Cindy Kudlik asked if this Article referenced any board. Bob Constantine said he read it to be on the same board. Moderator Frost stated that was not her interpretation. Jeremy Olson asked the Selectmen if this Article was advisory only. Steve Darrow responded in the affirmative. **Motion to Limit Reconsideration by Joe Brown and seconded by Elaina Bergamini. Motion passed by a show of hands.**

Article #22

To see if the Town will vote to require all funding for the Grafton Public Library to be on a voluntary basis, (no use of taxation). ***(By Petition)***

The Selectmen do not recommend this article.

Motion to discuss by Joe Brown and seconded by Steve Darrow. Steve noted that according to legal counsel this is not a legal Article. **Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan. Motion passed by a show of hands.**

Article #23

To see if the Town will vote notwithstanding Warrant Article #2, to set the operating budget for Public Safety: Police at \$10,000. ***(By Petition)***

The Selectmen do not recommend this article/ The Budget Committee does not recommend this article.

Motion to discuss by Karen Meyers and seconded by Dan Moore. Steve noted that they had not received legal opinion from Town counsel, but that the Department of Revenue Administration says it would be non-binding. Russell Govern stated that these are foolish articles. To consider this when you need the Fire Department or the Ambulance and they did not/could not respond. Karen Meyers noted that “this group” wants to live in the Wild West and do not want any form of government. **Motion to Limit Reconsideration by Sean Frost and seconded by Jeremy Olson. Motion passed by a show of hands.**

Article #24

To see if the Town will vote to preclude any Town official and the use of any Town funds to cooperate with the National Security Agency (NSA). *(By Petition)*

The Selectmen do not recommend this article.

Motion to discuss by Bob Constantine and seconded by Jeremy Olson. Bob Constantine presented an amendment which read, "To see if the Town will vote to preclude any town official and the use of any town funds to cooperate with the National Security Agency (NSA) in violation of article IV of the United States Constitution and article #19 of the New Hampshire constitution." Seconded by Neil Alexander. Sean Frost stated that it was legal opinion that if the Federal law says you must spend funds to cooperate you will spend funds to cooperate. Bob Constantine argues that laws that violate your constitutional right are not enforceable. **Vote on Amendment to #24: Ayes: 25 Nays: 32 Vote failed. Motion to Limit Reconsideration by Sean Frost and seconded by Steve Darrow.**

Article #25

To see if the Town will vote to preclude the Town from accepting any Federal military equipment in the future and to require the immediate sale at public auction of any military equipment previously received.

(By Petition)

The Selectmen do not recommend this article.

Motion to discuss by Jeremy Olson and seconded by Neil Alexander. Steve Darrow noted that the Town has accepted RSA 31:95E which allows the Town to accept gifts. This could limit future expenses but the Town would not be required to sell any equipment it presently has. Adam Franz asked if the Town owned any such equipment. Sean Frost noted that the Town used to have an old police cruiser, but they no longer have it. John Babiarz noted that the Fire Department has a gasoline heater, which they have not used for years. Tom Ploszaj said that he was told that the Town might have received 2 high power rifles. Sean noted that if we had received them it would have been in the 80s. Dan Bergamini stated that he thought it was pretty shortsighted not to accept some items, such as generators, graders, useful vehicles and it was not like accepting a tank. **Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan. Ayes: 53 Nays: 3 Vote passed.**

Article #26

To see if the Town will vote to preclude any Town official and the use of any Town funds to cooperate in any Civil Forfeiture proceeding. *(By Petition)*

The Selectmen do not recommend this article.

Motion to discuss by Bob Constantine and seconded by Neil Alexander.

Steve noted that legal opinion was that Federal law requires cooperation. Amendment presented by Bob Constantine and seconded by Neil Alexander which read, "To see if the Town will vote to preclude any town official and the use of any Town funds to cooperate in any civil forfeiture in violation of any rights enumerated or reserved by the people in either the United States Constitution or the New Hampshire Constitution." Bob Constantine stated that a person's right to due process is stripped without this protection. A vote on Amendment to Article #26 was then taken which showed Ayes: 20 and Nays: 22. **The vote was challenged by Bob Constantine and the vote was redone. Ayes: 22 Nays: 20 Vote passed. Motion to Limit Reconsideration by Sean Frost and seconded by John Babiarz. Motion passed by a show of hands.**

Article #27

To see if the Town will vote to preclude members of the Select Board (Selectmen) or Budget Committee from receiving payments from any accounts payable account of the Town of Grafton, in which they have voted to fund. *(By Petition)*

The Selectmen do not recommend this article.

Motion to discuss by Joe Brown and seconded by Cindy Kudlik. Joe Brown stated that this appears to be a nonfunctional Article and if passed, it does not make any sense. **Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan.**

Article #28

To see if the Town will begin the process of withdrawing from the Mascoma Valley Regional School District, in accordance with the process outlined in RSA 195:25. This article does not constitute a vote on whether the Town will leave the District, but solely acts to establish a study to determine the impact on

both the Town and the District, such that voters in a future year may make an informed choice on this issue. **(By Petition) The Selectmen do not recommend this article.**

Tom Ploszaj asked if there was a legal opinion rendered on this matter. Steve Darrow commented that to withdraw from a school district there is a process and this is not the process. The School Board has to undertake the study. **Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan.**

Article #29

To see if the Town will vote to withdraw from the multi-town agreement between the Towns of; Canaan, Enfield, Grafton, Hanover, Lyme, and Orford to share prosecutorial legal services, as the agreement has been breached because the legal services are not being performed by a NH Licensed Lawyer. **(By Petition) The Selectmen do not recommend this article.**

Bob Constantine stated that the original bylaws for the Town agreed on a NH licensed attorney and the intent is to revert back to such. Steve Darrow noted that this Article is advisory only. Amendment to Article #29 which reads, To see if the Town will vote to withdraw from the multi-town agreement between the Towns of; Canaan, Enfield, Grafton, Hanover, Lyme, and Orford to share prosecutorial legal services.” Second by Sean Frost. **Amendment vote: Ayes: 30 Nays: 21 Vote passed. Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan. Vote passed by show of hands.**

Article #30

To see if the Town will vote to instruct State Representatives; Steven Darrow, Robert Hull and Jeffrey Shackett to propose legislation to lower the amount of interest charged on delinquent property tax amount to be on par with the current prime interest rate. **(By Petition)**

The Selectmen do not recommend this article.

Jeremy Olson, James Reiher and Adam Franz spoke on the outrageous 18% interest rate for delinquent tax payers. Steve Darrow agreed it is a lot of money but noted it was advisory only. **Motion to Limit Reconsideration by Sean Frost and seconded by Leon Dugan. Motion passed by a show of hands.**

Article #31

To see if the Town will vote to instruct State Representative; Steven Darrow, Robert Hull and Jeffrey Shackett to propose legislation to repeal the licensing of dogs. **(By Petition)**

The Selectmen do not recommend this article.

Neil Alexander asked if the Board would support this Article. Steve noted that it is advisory only. Adam Franz asked the Town Clerk if there is a significant cost to registering dogs. She responded that it costs the Town fees to the Department of Agriculture and to the State of New Hampshire. She noted that last year she spent \$482.00 for certified letters for those delinquent owners. **Motion to Limit Reconsideration by Sean Frost and seconded by David Rienzo. Motion passed by show of hands.**

Article #32

To see if the Town will vote to preclude the Select Board (Selectmen) from placing any opinion of any Warrant Article on the Warrant. **(By Petition) The Selectmen do not recommend this article**

Neil Alexander presented an amendment which read, “To see if the Town will vote to preclude the Selectboard (Selectmen) from placing any opinion on any warrant article on the warrant, except for warrants that appropriate funds or are otherwise required by RSA: 3:VI. Seconded by Steve Kudlik. Neil stated that the Town has the authority to rescind authority on recommendation placement on nonappropriated articles. Tom Ploszaj noted that he had been at a Selectmen’s meeting where the Board discussed the fact that they did not like to put a recommendation on as it would bias the vote. Steve Darrow reminded the meeting once again that the law requires it on special articles, monetary articles and gives the Board permission to act as they wish on the others. Much discussion ensued regarding opinions on this matter. Sean Frost responded that the Selectmen are elected to perform certain duties and to guide the voters. Jeremy Olson again questioned why there had been no recommendation of Articles #14, 15 and 16 and Steve again replied that it was an oversight. **Vote on Amendment #32: Ayes: 36 Nays: 14. Motion to Limit Reconsideration by Sean Frost and seconded by Dan Moore. Motion passed by show of hands.**

Article #33

To see if the Town will vote to preclude members of the Select Board (Selectmen) or their immediate family members from bidding on or purchasing properties owned by the Town of Grafton. **(By Petition) The Selectmen do not recommend this article.**

Bob Constantine stated that the Selectmen may have a difficult decision to work with a delinquent taxpayer versus deeding their property. Sean Frost noted that there has never been a time when the Selectboard has not worked with a delinquent taxpayer; if they have come forth to make a tax agreement, it has happened. **Motion to Limit Reconsideration by Sean Frost and seconded by Tom Warner. Motion passed by show of hands.**

Article #34

To see if the Town will vote to preclude members of the Select Board (Selectmen) or Budget Committee of their immediate family members from bidding on contracts offered by the Town of Grafton. **(By Petition) The selectmen do not recommend this article.**

Bob Constantine stated that there could be a conflict of interest if a family member has a company and receives funds which directly benefit a Selectman (such as wife, husband, son, daughter, etc.). **Motion to Limit Reconsideration by Sean Frost and seconded by David Rienzo. Motion passed by show of hands.**

Article #35

To see if the Town will vote to instruct the Chief of Police to not prosecute any crime in which the victim is not a natural person. **(By Petition)**

The Selectmen do not recommend this article.

Dan Moore asked what a natural person was. John Babiarz responded that it would refer to a state entity or corporation. John Connell reminded everyone that the government sent off people to fight and die in crimes against the state. **Motion to Limit Reconsideration by Sean Frost and seconded by David Rienzo.**

Article #36

To see if the Town will vote to require the Supervisors of the Checklist to register to vote, any qualified individual, at the deliberative session who wishes to do so. **(By Petition)**

The Selectmen do not recommend this article.

Steve Darrow stated that the Supervisors of the Checklist must follow the State laws which limit where and when someone can register to vote. When asked, George Curran responded that Steve had articulated their opinion. Bob Constantine asked what happens if someone were to move into Town the day after a session. Jeremy asked for the exact wording that addresses this. Bob Constantine stated that it is not fair that someone cannot be part of the decision making at the Deliberative Session to build the Warrant. **Motion to Limit Reconsideration by Sean Frost and seconded by David Rienzo. Motion passed by show of hands.**

Motion to adjourn 7:15 p.m. by Joe Brown and seconded by Richard Angell.

