
2010 TOWN MEETING MINUTES

Moderator John Lassey opened Town Meeting on Saturday the 13th of March, 2010, at 9:00 A.M. in the morning at the DeeringTown Hall. The moderator opened with a reminder for all registered voters of Deering present to check in with the Supervisors of the Checklist to receive their ballot for article 4, their tear-off sheet for secret balloting, and their pink cards for hand counts. He then called for and led us in the Pledge of Allegiance after which he called for a moment of silence to remember those of our neighbors and townspeople who had passed on during the past year, for our servicemen and women serving abroad, and in respect for Paul Haley, selectman of Hillsboro and recently deceased. After that Moderator Lassey led us in singing the first verse of the song America following which the moderator expressed his thanks to Chief Pushee and the Hillcat Explorer Scouts for their assistance in parking coordination for today's meeting and for Election Day on March 9.

Next, the moderator read the results of **ARTICLE 1**: To choose all necessary Town Officers for the ensuing year.

JP Marzullo, running unopposed for Selectman—327 votes

John Lassey, running unopposed for Moderator—323 votes

Susan Bearor, running unopposed for Library Trustee—340 votes

Donna Marzullo, running unopposed for Cemetery Trustee—320 votes

There was no candidate for Trustee of the Trust Funds. The write in with the most votes was Tom Copadis who declines the office.

Joan Burke, running unopposed for Supervisor of the Checklist—326 votes

Of **ARTICLE 2**: Are you in favor of implementing the Historic District Ordinance as proposed by the planning board, whose purpose is to promote the educational, cultural, economic, and general welfare of the public by the protection, enhancement, perpetuation and preservation of a Historic Town Center. The article passed with a vote of 215 yes votes to 142 no.

Of **ARTICLE 3**: Are you in favor of increasing the Board of Selectmen to 5 members? The result was that the article failed to pass and was defeated. There were 58 yes votes to 309 no votes.

The moderator then briefly explained the results of the Hillsboro-Deering School ballot. There was only one contested race, that of At Large Representative. It was won by Terry Cutter who defeated John Segedy. Russ Galpin ran unopposed for School Moderator and won. Virginia "Ginks" Leiby ran unopposed for Deering Representative to the Board and won. All of the articles on the School Ballot passed. The only disagreement between the way Deering voted and the final tally was on Article 7.

The moderator gave the floor to the Town Clerk/Tax Collector who announced that the office would shortly be offering the ability to pay taxes on-line and that car registrations and notices of renewal could also be done over the internet in the near future.

The moderator then took a few moments to explain the rules of the meeting, how to use the pink cards for hand-held votes, the blue tear off sheet for secret ballots, and that the white ballot was for voting on Article 4. Further, he explained that only registered voters could speak to articles except in the case where the majority had decided to allow non-voters to speak, Specifically, he asked that Town

employees Beth Rouse, Andy Anderson, Craig Ohlson and Chief Pushee, and that Laura Spector from Town Council Mitchell Municipal Group be allowed to speak on questions that concerned their areas of employment. This was moved and seconded. It was moved for a vote to allow Peter Brigham, Director of the Youth Services Programs be allowed to speak. The motion was seconded. Voice votes to allow the aforesaid employees and the aforesaid Peter Brigham to speak passed.

The moderator then went on to read Article 4 and to explain the rules concerning voting on this article: mainly that it requires a 2/3 majority to pass, that there is no escape clause and that approving it will bind the Town for one year. The voting is to be done on the white ballot handed out and voting will be done by calling a 15 minute recess during which each voter will go up to the front to hand the ballots to the deputy moderator for deposit in the ballot box. After the polls are announced closed, counting will begin and the results will be announced at a time later in the meeting.

It was moved to waive the full reading of the warrant. Seconded and motion passed by voice vote. The moderator then proceeded to read:

ARTICLE 4: (To Provide Funds for the Lease-Purchase of a 10-Wheeler for the Highway & Streets Department)

To see if the Town will vote to authorize the Selectmen to enter into a four year lease-purchase agreement for ONE HUNDRED EIGHTY FIVE THOUSAND TWO HUNDRED THIRTY EIGHT DOLLARS (\$185,238) for the purpose of lease purchasing a 10-Wheeler for the Highway & Streets Department and to raise and appropriate the sum of FORTY SIX THOUSAND THREE HUNDRED TEN DOLLARS (\$46,310) for the first year's payment. This lease does not have a non-appropriation clause.

The article was moved and seconded. John Greene introduced the article and asked Road Agent Peter Beard to come forward to speak to the article. Peter explained why the larger dump truck was needed, how it would save the Town money in the overall picture, and answered questions about the larger truck. The question was raised as to whether we would have been better advised financially to enter into a Lease Purchase Agreement with an escape clause. Craig Ohlson explained that there was a considerable savings in electing to purchase the truck in the manner described in the warrant article. A final question was whether this truck was to serve as just a dump truck for hauling sand or if it could be utilized as a plow. Peter explained that the purchase price included a plow, a wing, and a sander so that the truck could be used for all purposes including hauling of sand. At this time the moderator called a 15 minute recess for voting on Article 4.

Following the recess, the meeting was re-convened by the moderator who said that it now being 10AM, the polling on Article 4 could continue until 10:50AM at which time the polls would be closed and ballot counting would commence. In the meantime, the meeting would continue.

At this time the moderator read **ARTICLE 5: (To accept the Town Reports)**

To see if the Town will vote to accept the 2009 reports of the Town officials, agents, and committees. The article was moved, seconded, and there being no discussion a vote was called. The ayes had it and Article 5 passed unanimously.

The moderator next read **ARTICLE 6: (To Appropriate Operating Budget Funds for the Fiscal Year 2010)**

To see if the Town will vote to raise and appropriate the sum of ONE MILLION, SIX HUNDRED NINETEEN THOUSAND, SEVEN HUNDRED SEVENTY ONE DOLLARS (\$1,619,771) for the purpose of general municipal operations.

The moderator announced that each line item would be covered one by one.

01	Executive	\$	170,431
02	Election and Registration	\$	30,039
03	Financial Administration	\$	66,535
04	Revaluation of Property	\$	2,500
05	Legal Expenses	\$	34,730
06	Planning and Zoning	\$	12,020

07	General Government Buildings	\$	40,250
08	Cemeteries	\$	17,065
09	Worker's Comp.	\$	17,668
10	CNHRPC/LGC	\$	3,572
11	Police Department	\$	202,206
12	Ambulance	\$	14
13	Fire Department	\$	66,888
14	Emergency Management	\$	300
15	Dispatch Services (Safety & Highway)	\$	34,178
16	Highways	\$	594,737
17	Street Lighting	\$	2,200
18	Solid Waste Disposal	\$	130,737
19	Health Agencies and Programs	\$	300
20	Direct Assistance (Welfare)	\$	16,639
21	Library	\$	1,040
22	Conservation Commission	\$	2,287
23	Bonds & Notes: Principal	\$	38,400
24	Bonds & Notes: Interest	\$	19,274
25	Interest of Tax Anticipation Notes	\$	6,000
26	Capital Outlay (Payments on Leases)	\$	109,761
	TOTAL	\$	1,619,771

01	Executive	\$	170,431
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Moved and seconded. No discussion on the Executive line item and it passed.

02	Election and Registration	\$	30,039
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Moved and seconded. No discussion on the line item and it passed.

03	Financial Administration	\$	66,535
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Moved and seconded. No discussion on the line item and it passed.

04	Revaluation of Property	\$	2,500
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This was explained as being part of a contract we held for remapping. Moved and seconded. No discussion on the line item and it passed.

05	Legal Expenses	\$	34,730
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This was explained in answer to a question as being the cost of legal expenses as a result of two suits of the Town. It was asked that the suits be identified and the answer was that one is a suit by Ray Daniels and the other is concerning a suit that is being appealed by Rymes. Moved and seconded and it passed.

06	Planning and Zoning	\$	12,020
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Moderator, who serves as the ZBA chair recused himself and Charles Gaides came forward to moderate this line in his stead. John Lassey then explained that the amount represented the

expenses incurred in notifying abutters of matters that the ZBA was handling. Moved and seconded and it passed.

07	General Government Buildings	\$	40,250
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Moderator Lassey resumed his duties. The article was explained by Selectman Michelle Johnson to be the costs of maintenance, upkeep, heat, etc, for the government buildings. Moved and seconded. No discussion on the line item and it passed.

08	Cemeteries	\$	17,065
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Moved and seconded. No discussion on the line item and it passed.

09	Worker's Comp.	\$	17,668
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There was a question as to why the Worker's Comp. amount had increased. It was answered that there had been an 18% increase in the cost. Moved and Seconded. The line item passed.

10	CNHRPC/LGC	\$	3,572
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Moved and seconded. No discussion on the line item and it passed.

11	Police Department	\$	202,206
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Selectman Marzullo introduced Captain Tom Cavanaugh who spoke to the line item. He said that details of the amount could be found on Page 14 of the Town Report. He also said that a cost of living raise had resulted in the total for line 11 being increased. There was no further discussion. The line item was moved, seconded and passed.

12	Ambulance	\$	14
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Moved and seconded. No discussion on the line item and it passed.

13. Fire Department \$66,888

Fire Chief Andy Anderson was announced to speak to the line item. He explained that the amount was less than last year. **Moved and seconded. No discussion on the line item and it passed.**

14. Emergency Management \$300

Here it was announced that our fire chief, Andy Anderson, had been promoted at the Fire Fighters Training Academy to the position of Deputy Chief of the Academy. It was noted that Bob Pragoff had resigned from his position as Deering's Emergency Management Director and that Steven Ainsworth was our new EMD. **Moved and seconded. No discussion on the line item and it passed.**

15	Dispatch Services (Safety & Highway)	\$	34,178
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Capt. Tom Cavanaugh of the Deering Police Department was announced to speak to the article. This is the contract for Dispatch Services provided by Hillsboro. It is listed in the detail of Page 15. **Moved and seconded. No discussion on the line item and it passed.**

16	Highways	\$	594,737
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Road Agent Peter Beard directed the assembly to Page 15 of the Town Report. There was some discussion about roads and then the line item was moved and seconded. The Line Item passed.

17	Street Lighting	\$	2,200
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Moved and seconded. No discussion on the line item. A voice vote was inconclusive so a hand count vote was called for by the moderator. Results were Ayes 58 and Nays 46. The line item passed.

18	Solid Waste Disposal	\$	130,737
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Moved and seconded. An explanation was that this was a contracted amount (see page 16 of the Town Report). There were questions as to why less was spent last year. The answer was because of the billing cycles. The ayes had it and the line item passed.

19	Health Agencies and Programs	\$	300
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Moved and seconded. This is the Project Lift and St. Joseph's Services contract amounts. Passed with the ayes having it.

20	Direct Assistance (Welfare)	\$	16,639
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Moved and seconded. Discussion on the line item directed voters to Page 21 of the Town Report to the Welfare and Assistance report and it passed.

21	Library	\$	1,040
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Moved and seconded. This is on page 17 of the Town Report. Library Trustee Kathy Lassey moved to amend by adding \$400 for a volunteer, saying that the monies had been left off by the Budget Advisory committee. The motion to amend to change the line item to \$1, 440 was seconded. There was discussion that the amendment amount was incorrect as FICA and Medicare would have to be paid, but no change to the amendment was made. The ayes had it in a vote and the amendment passed. As amended, the line item was voted upon and passed so that Line item 21 is now passed for \$1,440.

22	Conservation Commission	\$	2,287
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Ed Cobbett, chairman of the Conservation Commission spoke to the line item, explaining that it was for operating costs such as paying for soil and water testing, etc. Moved and seconded. No discussion on the line item and it passed.

23	Bonds & Notes: Principal	\$	38,400
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Moved and seconded. No discussion on the line item and it passed.

24	Bonds & Notes: Interest	\$	19,274
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Moved and seconded. No discussion on the line item and it passed.

25	Interest of Tax Anticipation Notes	\$	6,000
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Moved and seconded. No discussion on the line item and it passed.

26	Capital Outlay (Payments on Leases)	\$	109,761
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Moved and seconded. No discussion on the line item and it passed.

Article 6 as amended was then read as: To see if the Town will vote to raise and appropriate the sum of ONE MILLION, SIX HUNDRED TWENTY THOUSAND, ONE HUNDRED SEVENTY ONE DOLLARS (\$1,620,171) for the purpose of general municipal operations.

Moved and seconded. The Ayes had it and Article six passed as amended.

During this time the Ballot box was opened and the ballots were counted for Article Four. The results were announced.

Ayes—100, Nays—24. Article 4 carries by the required margin and passes.

The moderator then read in its entirety ARTICLE 7: (To Add funds to Previously Established Trust Funds) To see if the Town will vote to raise and appropriate the sum of TWO HUNDRED FORTY SIX THOUSAND DOLLARS (\$246,000) to be added to the previously established Trust Funds:

Road Reconstruction Fund	\$	225,000
Exotic Weed Control Fund	\$	3,500
Computer System Trust Fund	\$	2,500
Government Building Improvement Fund	\$	6,000
Turnout Gear	\$	4,000
Cemetery Repair/Maintenance Fund	\$	5,000

The items were next discussed and voted upon line by line. Each line item was passed for the original amount. Article 7 was then re-read in its original format and voted upon. The ayes had it and Article 7 passed.

The moderator then read in its entirety ARTICLE 8: (To Purchase a Police Cruiser) To see if the Town will vote to raise and appropriate the sum of TWENTY THREE THOUSAND DOLLARS (\$23,000) to purchase a new cruiser for the Police Department and authorize the withdrawal of TEN THOUSAND DOLLARS (\$10,000) from the Police Vehicle Expendable Trust Fund created for that purpose. The balance of THIRTEEN THOUSAND DOLLARS (\$13,000) is to come from general taxation. (Majority vote required).

Capt. Tom Cavanaugh was called upon to answer questions. It was explained that a new Impala (the vehicle planned to be purchased) will cost \$23,350. The plan is to sell the old vehicle. The article was moved and seconded and voted upon. The ayes had it and article 8 passed.

For the next article, the moderator again recused himself as his wife is a Library Trustee. Charles Gaides came forward to temporarily take over the moderator duties.

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of FIVE THOUSAND DOLLARS (\$5,000) to be added to the Deering Library Expendable Trust Fund established in 2008.

The article was moved and seconded. Library Trustee Kathy Lassey came forward to speak to the article, the purpose of which it was explained was to add to the funds for the potential expansion of the Library. There currently is a mold problem in the old library building that needs correcting and that will cost over one thousand dollars. In answer to questions, Mrs. Lassey said that there was currently \$5,214.14 in the Library Trust fund with \$1,600.00 coming out over the past two years for improvements. At that point, one of the Trustees of the Trust Fund, Marc Albert, stated that he could not verify that as a report of the Trust Funds had not been completed and he apologized for not having a report ready and printed in the current Town Report. Selectman Michelle Johnson stated that the library mold problems could be paid for out of the town budget line item for the upkeep and maintenance of government buildings and that the funds could be forthcoming from that money if a request was received from the Library Trustees. The vote was taken and the nays had it, defeating Article 9.

Moderator John Lassey resumed his position as moderator of Town Meeting and proceeded to read Article 10.

ARTICLE 10: (To Decrease the Percentage the Land Use Change Tax that goes to the Conservation Fund) To see if the Town will vote to decrease the amount of the revenues collected pursuant to RSA 79-A, the Land Use Change Tax deposited in the Conservation Fund in accordance with RSA 36-A: 5 III as authorized by RSA 79-A:25 II from 100% to 50%.

The article was moved and seconded. Selectman JP Marzullo gave a history of when and how the percentage of Land Use Change tax had been divided between the general fund of the Town and the Conservation Commission, with a change to one hundred percent going to the Conservation Fund in the year 2004 as voted at that year's Town Meeting. The Board of Selectmen is in support of this article changing the percentage given over to the Deering Conservation Commission to 50%. Ed Cobbett came forward to speak at length regarding why the DCC should continue to receive 100% of the Land Use Change Tax. A voice vote was inconclusive so a show of hands vote was called. The Ayes were 53 and the Nays were 56. The article was defeated.

A motion to limit reconsideration of Article 10 was made and seconded. The ayes had it and the motion carried to limit reconsideration of Article 10.

At this point the moderator called for a 15 minute recess of the meeting.

The meeting resumed after the recess. Article 11 was read.

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of EIGHTEEN THOUSAND ONE HUNDRED EIGHTY NINE DOLLARS (\$18,189) for the purpose of a Youth Services Program.

The article was moved and seconded. Selectman Michelle Johnson explained that the current contract had expired and that the Board had not been successful in getting the Hillsboro Board of Selectmen to come to the negotiating table to review and to come to an agreement on the contract. The intent of article 11 is to allow the Deering Board of Selectmen to investigate, negotiate, and enter

into **A** contract (not necessarily with Hillsboro) for a youth services contract. The previous ten year contract had expired on December 31, 2009.

Peter Brigham of the Hillsboro Youth Services program was allowed to speak and did so at length citing the number of Deering youth involved in some of the programs (but was unable to account for numbers of Deering youth involved in all of the programs). He stated that his budget had already been approved by Hillsboro so there would be no effect on the continuation of the programs offered, except that Deering youth would be denied participation. Tanya Boulanger was allowed to speak regarding her experiences as a Deering youth involved in programs under the Hillsboro Youth Services and the positive effect she felt that Mr. Brigham and his Youth Services programs had upon her life. Doris Beane came forward to say that she had, out of curiosity, attended the programs during the progress of same and that she was very favorably impressed. Mrs. Beane offered an amendment to Article 11 which read:

Article 11 (amended article): To see if the Town will vote to authorize the selectmen to extend the contract with the Town of Hillsboro to provide Youth Services to Deering youth and their families for an additional 3 years, and to raise and appropriate the sum of EIGHTEEN THOUSAND ONE HUNDRED EIGHTY NINE DOLLARS (\$18,189) for year one of that contract.

The moderator read the amendment and Town Counsel Laura Spector came forward to state that in her opinion the amendment was not a valid amendment because it was not a warrant; therefore, was an illegal amendment.

A vote on the amendment was taken and the Nays had it. The amendment having been defeated, the moderator then again read Article 11 in its original form. The article passed on a voice vote with the ayes having it.

The moderator then read Article 12.

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of TWENTY TWO THOUSAND ONE HUNDRED SIXTY THREE DOLLARS (\$22,163) for the purpose of a Recreation and Parks Program

The article was moved and seconded. Following some discussion there was a voice vote. It was unanimous for the ayes and the article passed.

Next, the moderator read Article 13.

ARTICLE 13: To see if the Town of Deering will adopt the New Hampshire Code of Administrative Rules, Chapter Env-Wq 800 State of New Hampshire Sludge Management Rules and the Chapter Env-Wq 1600 State of New Hampshire Septage Management Rules, by reference. Adoption of these rules is as a health ordinance, and enforcement of the rules shall be in conjunction with the New Hampshire Department of Environmental Services.

The article was moved and seconded. Ed Cobbett spoke at length for the article. The duration of Mr. Cobbett's words prompted a call on a point of order in which Marc Albert raised an objection that he had no need of a seminar on the value of sludge. The moderator overruled Mr. Albert's objection and allowed Mr. Cobbett to continue holding the floor. Mr. Cobbett concluded his remarks. Sharon Farmer then took the floor to speak against the article. At her conclusion, Conservation Commission member Gary Bono took the floor to speak for the article. All in all, there was lengthy debate on the pros and cons of sludge spreading with several persons offering opinions. On a voice vote, the Nays had it and the article was defeated.

It was moved and seconded to limit reconsideration of Article 13. The motion passed with the Ayes having it.

At this time Sharon Farmer attempted to withdraw her petitioned article 14 as it was now moot. The moderator ruled that she could not withdraw a warrant article and that it would have to go before the floor to be voted upon. He then read Article 14.

ARTICLE 14: To see if the voters of Deering will vote to request the town to extend the town's current sludge spreading ban for another year to give citizens time to gather up-to-date information that will be the basis for a science-based/precautionary ordinance, designed to adequately protect the town's natural resources, including live stock and ground water.

Sharon Farmer next proceeded to call for an amendment to Article 14 to read: To see if the voters of Deering will vote to request the town to extend the town's current sludge spreading ban.

The amendment was moved and seconded.

Selectman Michelle Johnson stated that the article and the amendment were not necessary as the Planning Board would be visiting the ordinance banning the spreading of sludge in the next year. Robert Compton, Chair of the Planning Board, stated that the Planning Board would like a clear directive from the body of the meeting as to which direction the Planning Board should take. Marc Albert stated that the time for a directive regarding sludge was during Article 16 when other business could be brought before the assembly. In a voice vote on the amendment, the nays had it and the amendment was voted down.

Back to the reading of Article 14 in its original form. In a voice vote, the nays had it and Article 14 was defeated.

It was moved, seconded, and a vote was taken to limit reconsideration of Article 14. The motion passed.

It was moved to limit reconsideration of articles 11 and 12. This motion was seconded and passed.

There having been a petition by nine registered voters at the meeting to hold the vote on Article 15 by secret ballot, the moderator announced that each person should tear off Question 1 on the sheet of tear off ballots and use that to vote on Article 15. He then read Article 15.

ARTICLE 15: To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

The article was moved and seconded. Russell Clark spoke for the article and explained that it was a non-binding referendum. Aaron Gill spoke against the article. There was considerable discussion following which came a motion to move the question. This motion was seconded and approved in a voice vote. The moderator advised each person to come forward with their secret ballot to deposit in the ballot box. After everyone had voted, the polls would be closed for counting the ballots and the results of the vote on article 15 would be announced.

Once the polls closed on article 15, and counting of ballots commenced, the moderator moved ahead with Article 16 which he then read.

ARTICLE 16: (To Transact Other Business)

To transact any other business that may legally be brought before this meeting.

The moderator opened this article with a suggestion that townspeople consider that Town Hall was becoming too small a place to hold Town Meeting and that an alternative location might eventually

have to be taken. The nearest alternative location would be one of the schools in Hillsboro and that would require setting up a form of transportation to shuttle bus people from Town Hall in Deering to the location of Town Meeting. He advised that we have time to think about it.

Ray Petty spoke thanking the Board of Selectmen for all the work they do. He advised that townspeople have a responsibility to participate on boards and committees.

James Dalzell asked if the Board was working on assessing matters (per the Nov 16, 2009 BOS minutes). Michelle Johnson answered that this was the last year of the contract with Avitar and that they would be visiting assessing in the near future.

Gertrude Clark questioned Mr. Lassey's remarks that the Hall was too small for town meeting, stating that there was more room in the hall for more seating. Andy Anderson, Fire Chief, answered from the back of the hall that the capacity of the Town Hall was 200 persons on the floor, with sixteen on the stage.

Selectman Michelle Johnson stated that there were sign up sheets in the front of the Hall for persons interested in signing up to work on the Assessing Committee, the Charitable Organization Review Committee and the Transfer Station Advisory Committee.

Kathleen Pepper made a comment that she would like to have a sign up for a Parks and Recreation Committee.

Selectman JP Marzullo expressed his gratitude to Town Employees, Officials and the Moderator.

At this time the Moderator announced that the counting of ballots was completed and he was about to give the results. The balloting on Article 15 resulted in Ayes—27, and Nays—67. Article 15 was defeated.

Sharon Farmer questioned about townspeople not being able to attend the morning meetings. JP Marzullo answered that the first Wednesday night every month is a Selectmen's meeting that people can attend.

At this time there was a motion to adjourn the meeting. It was seconded. The moderator declared the meeting adjourned at 3:45 PM.

Respectfully submitted,

Nancy Cowan
Town Clerk/Tax Collector
Town of Deering