

RESULTS OF THE JACKSON TOWN MEETING
MARCH 15, 2012

Polls were opened at 8:03 AM and closed at 7:03 PM on March 13, 2012 by Moderator Willis Kelley to vote on Articles one through three.

The town meeting was called to order by Moderator Kelley on Thursday, March 15th at 7:05 PM. He then led the attendees in the Pledge of Allegiance and one verse of God Bless America. Tim Scott asked the group to remember those who were with us last year but who are no longer with us. He then gave a short blessing.

Results of articles one through three voted on at Town Elections held March 13, 2012 at the Whitney Center were announced:

ARTICLE 1: To choose the necessary Town Officers for the ensuing year.

<u>Position</u>	<u>Elected Candidate - # of votes</u>
Selectmen for 3 yrs	Bob Thompson - 236
Trustee of Trust Funds for 3 yrs	Helene Matesky - 321
Library Trustee for 3 yrs	Denise Sachse - 262
Library Trustee for 3 yrs	Edith Houlihan - 273
Trustee of Cemeteries for 3 yrs	Lee Phillips - 332
Financial Auditor for 3 yrs	David Mason – 7W-I
Town Moderator for 2 yrs	Willis Kelley - 343
Supervisor of the Checklist for 6 yrs	Joan Aubrey - 331
School Board Member for 3 yrs	Fred Nemeth - 258
School Board Member for 3 yrs	Genn Anzaldi – 300
School Board Member for 2 yrs	Keith Bradley - 296
School Moderator for 1 yr	Tim Scott - 348
School Clerk for 1 yr	Courtney Croteau – 8W-I
School Treasurer 1 yr	Christine Thompson – 5W-I

In his opening comments, Moderator Kelley asked for a motion to dispense with the reading of the entire warrant since we will be reading and addressing each warrant individually. So moved and passed.

The Chief of police, Karl Meyers asked to be recognized. Anticipating some heated discussions, he requested additional police presence for the meeting. Also introduced was the town attorney, Peter Malia.

ARTICLE 2: Are you in favor of the adoption of amendment number 1 to the Jackson Zoning Ordinance, as proposed by the Planning Board, to make the necessary amendments to Sections 12 and 5 to comply with the requirements of the National Flood Insurance Program? The Planning Board voted unanimously to recommend these changes. (7-0-0)

So that Jackson can continue to participate in the National Flood Insurance Program, the NH Office of Energy and Planning has noted the following required changes to Section 12 (Areas of Special Flood Hazard) and Section 5 (River Conservation District) of our Zoning Ordinance (underline means additions and strikethrough means deletions):

SECTION 12

The following provisions shall apply to all lands designated as special flood hazard areas by the ~~Federal Insurance Administration~~ Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Jackson, NH" together with the associated Flood Insurance Rate Maps, ~~#330014-0025B, to be dated July 2, 1979, and s~~Sheets 1 through 4 of the Flood Boundary & Floodway Maps of the town of Jackson, ~~to be dated July 2, 1979~~ which are declared to be a part of this Ordinance and are hereby incorporated by reference, including ~~and~~ any additions, amendments or revisions thereto ~~which are declared to be part of this Ordinance.~~ This Section was adopted pursuant to the authority of RSA 674:16. The Regulations in this Section shall overlay and supplement other regulations in this Zoning Ordinance. If any provision of this Section differs or appears to conflict with any other provision of this Zoning Ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

SECTION 12.1

12.1.1 AREA OF SPECIAL FLOOD HAZARD: means the land in the floodplain within the Town of Jackson subject to a one percent (1%) or greater possibility of flooding in any given year. The area ~~is designated on the Flood Hazard Boundary Map (FHBM) as Zone A and~~ is designated on the FIRM as Zones A 1 through 30 A and AE.

12.1.7 and 12.1.9 Delete FHBM definitions as Jackson no longer has these maps.

12.1.4 DEVELOPMENT: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining,

dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment and materials.

12.1.15 ~~MANUFACTURED-MOBILE HOME~~: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "~~mobile~~-manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than one hundred eighty (180) days. This includes manufactured homes located in a manufactured home park or subdivision.

12.1.16 REGULATORY FLOODWAY: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. ~~These areas are designated as floodways on the Flood Boundary and Floodway Map.~~

Add the following definitions:

FLOOD INSURANCE STUDY (FIS): an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FUNCTIONALLY DEPENDENT USE: a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

MEAN SEA LEVEL: the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

MANUFACTURED HOME PARK OR SUBDIVISION: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

SUBSTANTIAL DAMAGE: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

VIOLATION: the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Article 4.10.5, Article 4.10.8(2)(b), or Article 4.10.7(3)(4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

SECTION 12.7

1) In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Board of Selectmen and the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the ~~Federal Insurance Administration~~ Zoning Board of Adjustment, in addition to the copies required by RSA 482-A:3. Further the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board of Selectmen, including notice of all scheduled hearings before the Wetlands Bureau and the Zoning Board of Adjustment.

SECTION 12.8

In unnumbered “A” zones...

12.8.2 In zones ~~“A1 through A30”~~ “AE” for new construction...

12.8.3 In zones ~~“A1 through A30”~~ A and AE, where Flood Proofing of all new construction or substantial improvements of non-residential structures is used in lieu...

12.8.4 In zones ~~“A1 through A30”~~ “AE” for ~~mobile~~ manufactured home placement...

12.8.5 In zones ~~“unnumbered A zones and zones A1 through A30”~~ “ A and AE zones ” ~~mobile~~ manufactured homes shallNote: replace further references to “mobile” with “manufactured” in this section.

12.8.6 Replace existing language with the following: Along watercourses with a designated Regulatory Floodway:

12.8.6.1 The placement of ~~mobile~~ manufactured homes is prohibited...

Add a new 12.8.6.3 as follows:

Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION 12.9

Recreational vehicles placed on sites with Zones ~~A1-10~~, A, ~~AH~~ and AE...NOTE: Add following sentence to end of 12.9)

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 5.2.1

The River Conservation District shall encompass those areas designated as Zone A and AE ~~A1-99~~ on the Flood Insurance Rate Map (FIRM) ~~of Jackson New Hampshire~~ and accompanying Flood Insurance Study, as adopted by the Town of Jackson in Section 12, Areas of Special Flood Hazard, in this Zoning Ordinance. ~~issued by the Federal Insurance Administration (330014-0001-0004, July 2, 1079)~~ and the Flood

~~Insurance Study (January, 1979) also issued by the Federal Insurance Administration. The FIRM Map, together with the Flood Boundary and Floodway Maps and Flood Insurance Study are hereby made a part of this ordinance and the Municipal Zoning Map...~~

~~5.2.2 The July 2, 1979 FIRM Map and Flood Boundary & Floodway Maps, along with the January 1979 Flood Insurance Study provide important baseline topographic information...~~

Results of vote: **Yes: 264**, No: 59

ARTICLE 3: To see if the Town will vote to repeal the Selectmen's process for the enforcement of the State Building Code until such time as the required provisions of law for the enforcement of the State Building Code are adopted by the Legislative Body of the Town of Jackson. Submitted by petition. Not recommended by the Planning Board (3-3-1).

Results of vote: Yes: 146, **No: 233**

Articles 4-31 were voted at the Town Meeting March 15, 2012.

ARTICLE 4: To see if the Town will vote to raise and appropriate the Selectmen's recommended Operating Budget of the Town in the amount of \$1,778,553.00, not including appropriations by special warrant articles and other appropriations voted separately (see 2012 Budget for details) Selectmen are in favor (3-0-0)

DISCUSSION: Moderator Kelley reminded voters that the total of the town's operating budget is reflected in article four and the article will be voted on in its entirety. Even if the voters decide to reduce funding in a particular area thereby reducing the bottom line of the operating budget, the selectmen have the option of allocating the total budget as they see necessary. The following reflects questions and discussion on several of the line items that make up article four:

General Government - Bill Botsford asked for clarification as to why the large changes in clerk wages. Selectmen noted this number reflected the deputy pay only as the elected official's pay has been taken out and will be voted on as a separate article. Bill also asked why health insurance and maintenance

of town buildings had increased so much. Health insurance is up because of the conversion of a part time assistant to full time and awarding health insurance. Maintenance of town building is up because of a \$20K purchase of a tractor to be used for general and roadside mowing, \$3K is to replace a police station door and \$3K for AC venting into the police offices and to add a switch for a generator for town office. Several people were still confused over the health insurance increase. In addition to the new full time position, Selectman Dougherty IV indicated you can't look at the various departments and compare office to office as some participants have individual coverage and some have family plans. In general, a new employees pay 15% of the cost of healthcare. Betsey Kent inquired about the diesel fuel amount, which was previously zero. Where this item was previously consolidated, now it is broken out by department with the school reimbursing the town for their diesel fuel hence the title Intergovernmental Diesel Fuel.

Police Department – Bill Wogisch expects the fuel budget to be short at \$11,000. Selectman Dougherty IV responded that after conversations with the chief of police, they felt comfortable with the overall budget available.

Transfer Station – Gino Funicella noted that the recently signed new agreement with the Bartlett should reduce this cost. We previously paid 60% vs Bartlett's 40% contribution and the new agreement puts the cost split for salaries at 75% Bartlett/25% Jackson. Selectman Dougherty IV suggested leaving the budget as requested until we can determine the impact of the new cost sharing agreement. Bartlett does offer health coverage, so we do pay for that for our employees. Ann Kantack asked for an explanation of the new contract. Selectman Dougherty IV explained new agreement calls for a 75%/25% cost sharing agreement to pay employees a 50%/50% major capital expenses split for things like building/road repair and a 60%/40% split for minor repairs for things such as new tires. The employment structure calls for Bartlett to be the employer for the site but each town will have a say in decisions. Ann asked why the 50-50 split on major items. [No one answered the question.] Former selectmen Dave Mason indicated the primary concern is the fact that Bartlett has a different benefit structure than we do since all employees will now be Bartlett employees. Bartlett does not offer pensions and if Jackson offered pensions, they would have to pay all employee pensions. Selectman Dougherty IV said the agreement is for a 5-year term at which time it will be readdressed based on property valuations. Martha

Benesh asked if this means John Edgerly loses all his pensions and what will happen to this benefit. Selectman Dougherty IV indicated John is still an employee of Jackson and these are some of the details that have not been worked out yet. Gino Funicella reminded everyone this contract represents something close to equalization value only on employees, not on the other aspects of the operation.

Recreation & Park – Dick Badger is not an advocate of the Peg channel noting we took in \$17K in fees against a \$5k budget. Selectman Dougherty IV noted the fee paid is to use public land adding that yes cable users pay a fee but that fee primarily is kept by the cable company to offset their expenses. Thom Perkins question the \$2000 budget item for Jackson Conservation Commission on pg 85 vs. the Baker Farm Timber sale income of \$607.52 (pg 88) when that logging operation prohibited the use of the Prospect Farms area for use by the Jackson Ski Touring Foundation (JSTF) which had an agreement with the forest service to harvest timber on one side of the land this year. The timber sale happened on the other side of the area thereby restricting the use of the entire area for skiing.

Moderator Kelley called the discussion back to the articles under discussion reminding voters that any proposed budget change against a single line item may or may not result in a change to that line.

Vote: Verbal approval (unanimous)

ARTICLE 5: To see if the Town will vote to instruct the Selectmen to continue to enforce the State Building Code, adopted by the State of New Hampshire as Revised Statue Annotated (RSA) 155-A and applying to all construction in the State, pursuant to Section 16, Administration And Enforcement, of the Town of Jackson Zoning Ordinance. Submitted by Petition. Selectmen are in favor (2-1-0)

DISCUSSION: Henry Mock asked if this means we are forced to enforce the statewide building code. Does this mean we then need to hire an enforcer @ \$80K? Selectman Chair Bea Davis replied we have a building inspector, Andy Chalmers and according to the Local Government Center (LGC), the state building code must be enforced. This article asked us to continue to enforce the building code as we have been enforcing it. Henry responded we can't enforce the state wide building code unless the governing body approves. The town

attorney, Peter Malia who was present at the meeting clarified the state building code was adopted in 2001. Even in those towns without inspection, all construction is supposed to be in accordance with the codes. It is up to the owners and contractors to comply. The issue is enforcement: do we want the inspector to be the compliance enforcer? He went on to say there are two camps: 1) it is legal for the selectmen to authorize the inspector to do the inspections and 2) it is not the authority of the selectmen to authorize the inspector. The Attorney's recommendation was to bring the question to the people – vote yes to have the inspector continue to do inspection of both commercial and private residential.

Selectman Chair Bea Davis read a letter from fire dept endorsing building inspections. Peter Benson thought we had a process in place based on Tuesday's vote [of article 3]. Moderator Kelley clarified that tonight's vote would supersede any vote taken on Tuesday. Holly Lewis asked if the town of Jackson ever voted for enforcement of the code? Selectman Dougherty IV indicated no. Barbara Balfour had a question for the attorney regarding a recent lawsuit from which Jackson withdrew. Moderator Kelley focused the discussion back to the article at hand. Helene Matesky directed a question to Attorney Malia asking if the state was aware of confusion generated by the state passing the code requirement in 2002-2004 as implied by information on the LGC website. Attorney Malia indicated that whatever mechanism was in place is legal and the state recognized any enforcement the town has taken, yet he confessed, there is still confusion. Someone asked if there was a permitting process in place. To which the Attorney Malia indicated prior council believed that it was sufficient.

Moderator Kelley reminded folks to stay with the article before the voters tonight. Frank Benesh, agreed with Moderator Kelley restating do we want to instruct the selectmen to continue to enforce the state building code? Jerry Dougherty III noted the planning board has struggled with this question and deferred to Scott Badger to explain what they have been doing / trying to do. Scott Badger, chair of the planning board is trying to put the decision into the hands of the legislative body so that it would be properly decided. They worked on amendments to the zoning ordinance which properly authorized the enforcement of the state building codes and would then allow the voters to decide on the question. In terms of the petition, if approved it leaves open the

question of who is properly authorized to enforcement of the state building code. Regardless of the decision tonight, the planning board will continue to work on the changes to the zoning ordinance. Towns are not mandated to enforce the state building code. Former selectman Dave Mason noted the selectmen were enforcing the building code for years before he was on the board and pointed to the fact that 60% of the 390 people who voted on Tuesday voted to continue the process. Selectman Dougherty IV noted one correction: the state board for single-family homes didn't go into effect till 2007. Phil Davies reminded voters that the RSA's say that the permit fee pay for the cost of the inspection and this is not a burden on the general tax payer.

Chris Bailey indicated he build a house in 2005 and there was a permitting process but no enforcement mechanism and asked when the enforcement come into being and when was it authorized? There was no direct response. Dick Badger spoke against the motion indicating that plumbers and electricians have to build to code. If you have concerns with your contractor, you can go out, hire someone, and pay for it. Currently inspectors do not always show up in a timely manner and it adds costs unnecessarily. The homeowner should be able to use their own initiative and at their own cost concluding voters should consider voting NO for this article. Leslie Schomaker countered they built about 5 years had a builder who they trusted and the builder called the inspector when the walls were open and again before totally done. She referred to the Wentworth condo units that burned suffering the loss which may have been avoided if inspections had been done. Stephen Weeder indicated he was not clear what a no vote would mean regarding the state law having to be met. Attorney Malia replied if the article is defeated, the attorney would have to recommend to the selectmen to stop enforcing the inspection as they are currently doing them despite the vote on article 3 at Tuesdays ballot. Selectman Chair Davis asked, is it not the state law that electrical and plumbing must be inspected? Andy Chalmers, the town inspector noted according to the plumbing and electrical codes those areas must be inspected before being enclosed, whether by a local enforcement individual or by the state.

Moderator Kelley noted we need to deal with this article. If you want the current process to continue, vote yes. If not, vote no. We will not determine enforcement. Then it is up to the Selectmen to determine if they wish to comply with the wishes of the voters. We are not here to determine if this

decision is legal or not. He indicated he would take maybe three more questions speaking specifically to this article

Betsey Harding spoke to a personal issue of a covered screen porch they were adding where the builder had calculated the snow loads and everything appeared accurate. They had it inspected and learned the calculations resulted in inadequate snow loads which they were able to correct and avoid potential disaster. Huntley Allen, a licensed plumber notes just because you hire a licensed plumber does not mean you will get a good job. He has seen several problems with reverse osmosis systems, one when the kitchen sink backed up, the waste water went into their drinking system. Another was when a septic system backed up into the drinking water. These were both cases of cross connections. He grew up here, has seen unscrupulous work, and spends a lot of time fixing prior work. John Pietkiewicz stated if this vote is in the affirmative and he has a pile of money and takes this to court, this probably wouldn't stand. He thinks the planning board should be allowed to complete their work. Angus Badger asked what the selectmen do to enforce the code. Selectman Dougherty IV responded the warrant states enforcement pursuant to section 16 which we are currently not doing. We are currently enforcing this somewhere between section 16 and the requirements of the building code. The two portions of the section 16 which are probably less stringent than the building code is our \$10K exemption on interior work where we are requiring permits and requiring inspections. We are also currently requiring a certificate of occupancy (COO.) Section 16 does not require a COO for exempt single family homes so we would have to change our current policy of requiring permits and inspection for any work which falls under the state building code.

The Moderator called for the question. The article asks to continue to enforce the building code as is currently being done. Vote was taken by a standing vote. Vote: The moderator declared the article passed and thanked the voters for their patience.

Thom Perkins moved to restrict the reconsideration of article 5. The motion was seconded and Moderator Kelley explained if you approve Thom's motion, you would not discuss this article tonight or at a subsequent/continuation meeting. Vote on Restriction re-consideration: Passed – the article has been restricted from re-consideration

ARTICLE 6: To see if the Town will vote to instruct the Selectmen not to enter into a new contract for municipal services at the Bartlett/Jackson Transfer Station extending beyond the current budget year. Submitted by Petition. Selectmen are not in favor (0-2-1)

DISCUSSION: Helene Matesky noted last year at the town meeting it was stated that an agreement would be brought to the town before being signed and now she understands the selectmen have entered into a private agreement. Why did the selectmen enter into an agreement without bringing it to the town meeting as stated on page 4 of last years meeting report. A question was directed to Attorney Malia if this was legal without bringing the agreement to the town. Attorney Malia indicated it is a legal agreement and legislative approval was not needed. Martha Benesh pointed out the previous contract stated the new contract would be brought to the legislative body. Selectman Dougherty IV replied the 1984 contract required the formation of a solid waste disposal district and that never happened. Since 1991 under a different agreement the towns got together and jointly purchased the land and we have been operating under that agreement. Former Selectman Dave Mason commented that he has a different view of what happened. Phil Davies commends Selectman Chair Bea Davis for her personal integrity for not signing the agreement. Jerry Dougherty III asked what force of law this warrant article has? Attorney Malia indicated none. Frank Benesh asked if a vote today would have any effect on future agreement? Attorney Malia again replied no, adding when the selectmen have been given the authority to act on behalf of the town they can do so without consulting the voters. He added the results of this article could have an advisory effect but not a binding one. Barbara Balfour stated that it may not have binding impact on selectmen but it may reflect a majority of the people voting. Bob Cranford asked if the contract had been signed. Selectman Dougherty IV indicated it has been signed by the selectmen of both towns but has not been approved by the State's Attorney's General Office and hasn't been executed as to some of the terms of the agreement because they involve personnel issues. Attorney Malia noted the agreement only requires the approval of the Attorney's General, not the legislative body. Leslie Schomaker asked knowing that the meeting was happening, why not wait and present the agreement to the body. Selectman Dougherty IV responded the terms were essentially agreed to last May [2011]. Several other issues dealing with insurance were subsequently

worked on. It was not rushed through to circumvent the meeting of the legislative body. Questions continued as to why if negotiated almost a year ago, it was never brought to the legislative body. Selectmen Dougherty IV went on to state that by law, the town is required to provide a trash facility and we have been doing that since 1991 for the benefit of the town. The agreement is the result of 5 years of work. Dave Matesky asked why Selectman Chair Davis voted against the warrant article. She responded that she was not comfortable with the agreement and did not think all the T's had been crossed. Lisa McAllister added this is an opportunity for the selectmen to understand they have lost the trust of the people. Dick Devellian asked if it is binding if at a town or select meeting the selectmen promised something. Attorney Malia responded ethically and morally-maybe, legally-no. Some warrant articles are binding, some are not.

Angus Badger asked if Bartlett follow a different process (open hearings etc) to which Selectman Dougherty IV replied no. Dick Badger commended the selectmen on the more favorable terms of the current agreement and asked the attorney if amendments are made to the agreement is it considered a new agreement. Attorney Malia responded he did not represent the town in these negotiations. Selectman Dougherty IV indicated the agreement does allow us to amend the agreement and it would not be considered a new agreement. We can withdraw from the agreement without cause within 90 days and can add changes on a continuing basis without it being considered a new agreement. When Dick Badger further pushed for a definition of the term "new agreement" Selectman Dougherty IV stated he wasn't sure what the warrant article was saying but interpreted it to mean the petitioners don't want the town to operate a transfer station with Bartlett. Dick Badger replied he felt the article was saying the petitioners didn't want the selectmen to enter into an agreement before bringing it to the town realizing that legally only the approval of the Attorney's General office is needed. He went on to request clarification of the term "new agreement" asking if you make adjustments to this agreement is it considered a new agreement. Selectmen Dougherty IV replied no, realizing the current agreement has not been finally signed by the Attorney's General.

Bill Woogish asked for an explanation of the 90-day withdrawal statement and Selectman Dougherty IV said either party could withdraw without cause. Kathleen Dougherty asked the voters what they want for an agreement and believes the agreement they have arrived at is pretty good. Bob Stevens said the

selectmen do what the town tells them to do. As he understands it, there have been previous agreements which haven't been enforced. The prior select group have been negotiating with Bartlett for over \$100K that we were supposed to receive and [Bartlett] didn't pay [Jackson]. There is another suit before the court that has cost us over \$40,000. We vote and here they have given away \$140K which could have reduced our taxes. He doesn't believe this is right. Ray Abbott noted that before this agreement was signed there were some personalities involved that were never going to agree. This issue has gone on and on. They have finally gotten to an agreement so he doesn't understand the opposition. Beth Funicella directed a comment to Selectmen Dougherty IV noting the eight non-public sessions about this contract and although the comment made that this agreement was resolved a long time ago, in all that time there were no public hearings. Then in a closed session on March 1, 2012 without anything on the agenda two of you signed this agreement. She went on to indicate she has a copy of the Bartlett selectmen's letter in their warrant printed February 27th several days before the agreement was signed stating that the agreement was available in both town halls for viewing. Why is Bartlett saying this agreement is signed, sealed and delivered and is available for viewing when Jackson has not yet signed and our own warrant book says we hope to resolve this in the coming year? She went on to state there appears to be a discrepancy here never mind the right to know law. This appears to be an egregious violation of both the right to know and the trust of the voters. Moderator Kelley reminded voters we have no control over what Bartlett publishes in their Warrant Articles and asked comments to stay focused on the warrant article itself. After learning of the signing, Gino Funicella stated he contacted the Attorney's General (AG) Office to ask if they had a copy of the old agreement. The AG's office told him they don't need the old agreement since they are looking at the new agreement. When Gino pointed out the new agreement hadn't even been signed on the date that it was done the AGs office replied that didn't matter, they just do a perfunctory overview to make sure all the pages are in order. If there are questions regarding the agreement, the AG's office referred Gino to the investigative unit. Since that unit will be examining the agreement, Gino provided the investigative unit with several questions. They will be examining the agreement as to how it was handled, how you get something done without meeting. At this point Gino asked why the selectmen didn't provide the agreement to the governing body for review. Frank Benesh said he finds fault with the process not the agreement

for the new contract. Moderator Kelley reminded voters if you vote yes it means to not continue to enter into a new contract.

Vote: Defeated by voice vote

ARTICLE 7: To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to repair Dundee Road. The sum of \$42,000.00 to come from the Unreserved Fund Balance (fund balance as of 12/31/10 - \$921,508.00) and the remainder of \$8,000.00 to be raised from taxes. Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of \$25,000.00 to be placed in the Highway Truck Capital Reserve Fund (fund balance as of 12/31/11 - 25,134.00). Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of \$51,000.00 for the purpose of highway repair and reconstruction. The sum of \$23,000.00 to come from the Special Revenue Fund known as the Highway Repair and Reconstruction Fund (fund balance as of 12/31/11 - 23,042.00) and the remainder of \$28,000.00 to be offset with the State Highway Block Grant received in 2012. Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of \$25,000.00 to be deposited in the Heavy Highway Vehicle Capital Reserve Fund (fund balance as of 12/31/11 - \$25,001.00). Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to be deposited into the existing Fire Truck Capital Reserve Fund (fund balance as 12/31/11 - 158,926.00).
Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of \$20,000.00 to be deposited in the State Aid Reconstruction Expendable Trust Fund (fund balance as of 12/31/11 - 9,423.00)

Selectmen are in favor (3-0-0)

DISCUSSION: Angus Badger asked what this is. Selectman Dougherty IV indicated it funds repairs of state routes such as 16A and 16B adding that in the past the state has matched the funds we appropriate. Now we are not sure we will get funds from the state.

Vote: Verbal approval (unanimous)

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of \$20,000.00 to be deposited in the Bridge Repair & Maintenance Expendable Trust Fund (fund balance as of 12/31/11 - 31,224.00)

Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 14: To see if the Town will vote to raise and appropriate the sum of \$61,315.00 for the support of the Jackson Public Library. The sum of \$50,927.00 to be raised from taxation and the remainder, \$10,388.00 to come from library trust funds and gifts. Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 15: To see if the Town will vote to raise and appropriate the sum of \$10,000.00 to be placed in the Police Cruiser Capital Reserve Fund (fund balance as of 12/31/11 - 7,666.00). Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 16: To see if the Town will vote to raise and appropriate the sum of \$11,000.00 for police radios. Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 17: To see if the Town will vote to raise and appropriate the sum of \$3,000.00 to be deposited in the Police Department Equipment Expendable Trust Fund (fund balance as of 12/31/11 - 2,724.00).

Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 18: To see if the Town will vote to raise and appropriate the sum of \$607.00 to be deposited into the Baker Prospect Farm Trust (fund balance as of

12/31/11 – \$53,534.00). Said funds to come from the Unreserved Fund Balance (fund balance as of 12/31/10 - \$921,508.00), which represents the same income amount of \$607.00 from the Baker Prospect Farm's 2011 timber sales.
Conservation Commission is in favor
Selectmen are in favor (3-0-0)

DISCUSSION: Ginger Bailey asked what the funds are used for. Dick Bennett responded these funds were last used to survey the boundry lines on the Baker Prospect Farm and conservation committee want the funds to stay in the trust.
Vote: Verbal approval

ARTICLE 19: To see if the Town will vote to raise and appropriate the sum of \$4,909.00 to be placed in the Transfer Site Buildings & Recycling Equipment Expendable Trust Fund (fund balance as of 12/31/11 -\$81,018.00). Said funds to come from the Unreserved Fund Balance (fund balance as of 12/31/10 - \$921,508.00). Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 20: To see if the Town will vote to raise and appropriate the Town Clerk and Tax Collector's salary of \$18,280.00. This sum represents a 10% reduction for the 2012 annual salary paid to the Town Clerk and Tax Collector. In planning the 2012 workload and office coverage, the assessment is that the same level of service can be provided to the town at a reduced staffing level. The hours of operation will remain the same with the deputy serving two days and the elected official serving three days, rather than 4 days and both serving on Monday afternoons. If this staffing level is deemed acceptable to both the office and the public, this level of compensation would remain in effect for the remaining one year of the current term ending March 2014. Selectmen are in favor (3-0-0)

DISCUSSION: Jerry Dougherty III asked what the purpose of article 21 is. Selectman Dougherty IV indicated the salary of the Town Clerk/Tax Collector (TC/TC) is to be established each year at the legislative session by a separate warrant article and he questions the validity of article 20 recommending defeat of article 20 and amending article 21. Denise Sachse asked how the amount was arrived at; Is it based on days/hours?
Current TC/TC Heidmann responded it is difficult to determine hours because of varying special events such as the four elections being held in 2012. However,

since she is working one day less a week, she felt it appropriate to have some reduction in her salary. Bill Woogisch commended Jeanette on the work being done and doesn't think we should reduce the compensation for doing a good job. Selectman Dougherty IV indicated the body could vote down #20 and pass #21 either as is or with an amend amount. Ken Kimbal asked if we could move article 21 before 20 to which Moderator Kelley indicated we can't at this point since we are already discussing article 20.

Vote: Verbal disapproved (unanimous)

ARTICLE 21: To see if the Town will vote to raise, appropriate and approve the Town Clerk and Tax Collector's salary of \$20,310.00, consistent with the amount previously paid for this position. This Article to take effect only if Article 20 fails. If Article 20 passes, this Article will be passed over. Selectmen are in favor (3-0-0)

DISCUSSION: Bill Botsford asked if the deputy will be working more hours now with Jeanette working one day less. Jeanette responded that the deputy will be working the same number of hours she has been. Anne Bennet moved, and it was seconded, to amend the article amount with a reduction of \$2030 in the spirit of the proposed figure given by Jeanette in article 20. Edith Houlihan asked if the TC/TC has a contract as to the number of hours she must work to which Jeanette responded no. Leslie Schomaker thanked the Aubrey's for their work on the self-help renovation of the office. She saw some of the work being done and noting it is well worth the extra \$2030. Anne Bennet clarified that the office is running effectively and her amendment was strictly in the spirit of that offered by article 20.

Vote on Dollar Amendment: Defeated

Vote of Article 21: Verbal approval (unanimous)

ARTICLE 22: To see if the Town will adopt the provision of RSA 80:52-a concerning prepayment of property taxes to authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. No taxpayer shall be allowed to prepay taxes more than 2 years in advance of the due date of the taxes. No interest shall accrue to the taxpayer on any prepayment, nor shall any interest be paid to the taxpayer on any prepayment which is later subject to rebate or refund. All other rules governing payment and collection of taxes apply. Selectmen are in favor (3-0-0)

DISCUSSION: Anne Kantack asked why we would do this. Current TC/TC Jeanette Heidmann responded this authorizes the collector to do this and it is a benefit to the town. The question was asked about an obligation to pay interest and it was confirmed as stated in the article we would not.

Vote: Verbal approval (unanimous)

ARTICLE 23: To see if the Town will vote to raise and appropriate the sum of \$5000.00 to secure professional services for the design of and application for a water supply system and a waste water system for the old library building.

Selectmen are in favor (3-0-0)

DISCUSSION: John Pietkiewicz commented this was not a lot of money and he would prefer to see the building moved to the Grey's Inn property. He noted that years ago they looked at sewer capability concluding it is not feasible, adding this is a beautiful building, should be preserved and he would like to be on the committee. Joan Aubrey reminded everyone that the old library committee was charged to make the building a usable facility where it is located. Jeanie Sieg commented she thought we should have a plan before deciding on the water. Peter Benson noted the way the warrant is written if the town deems to have a restroom necessary it requires water, a non-water facility was not looked at, and as such he believes warrant article is premature.

Jerry Dougherty III disagreed with previous comments. This is a historically significant building and needs to be preserved regardless of the use and it is prudent to design a system. A waterless system, called an airhead, doesn't seem appropriate for this type of application. Ray Abbott asked confirmation if the church has decided not to allow the town to tie into their septic? Selectman Dougherty IV indicated yes they have so indicated this. Many people have looked at this facility and the decision was to leave it where it is. The funds to heat the building have already been approved. This article is to support keeping the facility where it is. Paul Palubniak, president of the Protestant Chapel Association, the owner of the land, confirmed the church doesn't want their septic tied into or water going across the property. There is an option to put a tank in the ground between the library and the river to collect the waste, which could subsequently be emptied. The warrant is to design a waste system. If defeated, the building will continue to sit there. Dudley Davis who was on the original old library committee stated you can't preserve a historical building if you make changes such as adding a bathroom. Joyce Allen looked at moving the old building to the Gray's Inn land but it was prohibitively expensive because of

the moving of wires. Jerry Dougherty III noted that adding a bathroom to a building doesn't invalidate the national historic designation. He added 9 bathrooms to a structure on the historic registry and that didn't change the value as an historic building.

Vote: Approved by show of hands

ARTICLE 24: To see if the Town will vote to raise and appropriate the sum of \$3,000.00 for the purpose of video taping the Selectmen's meetings. Selectmen do not favor (0-3-0)

DISCUSSION: Jerry Dougherty III noted the local individual that has been recording the meeting has been doing it and putting it on line available streaming. It would probably cost a similar amount through the local station and then be available at odd hours. Newly elected Selectman Bob Thompson offered that his first reaction is this is a waste of money. Barbara Balfour asked why the selectmen are not in favor. Selectman Jerry Dougherty IV clarified we have a couple of options to have the meetings videotaped. We could use channel 3 but that wouldn't guarantee viewing at convenient times. The money could go to Hank Benesh who is currently doing the recording and making it available live and available streaming on line. Gino Funicella noted that watching the video gives you a better flavor of the meeting that is not available through reading the minutes. Ray Abbott believes Valley vision is a waste of time and would hope it would not go on there. Moderator Kelley clarified where the money would go. Selectman Dougherty IV noted we are paying \$5000 to have access to Valley Vision: channel 3. They want an additional \$3000 to do some limited taping of selectmen meetings with no guarantee as to when the information would be aired. Hank has offered his services for \$3000 and the meetings are/will be available on his website [www.Jacksonflicks.com] streaming live as well as archived for later viewing. Anne Kantack asked if the selectmen are in favor or not? Selectman Dougherty IV doesn't recall this particular vote after a long night. Hank Benesh is currently streaming the selectmen meetings live and archiving the information but is not receiving any compensation. Angus Badger hopes if the money is approved, we look at alternative ways of providing this service. If the town has a video camera, he believes this is not hard to learn and thinks this could be done in-house. Selectman Dougherty IV disagreed adding the current staff is maxed and this is not a minimum time consumer. Uploading the streaming video to a web service and maintaining the web site is not without

a time impact. Mike Sachse asked if the selectman can amend the article to specify how the money would be spent? Selectman Dougherty IV responded that is not up to the selectmen to offer.

Vote: Verbal approval

ARTICLE 25: To see if the Town will vote to raise and appropriate the sum of \$3,000.00 to be placed in the Town Office Equipment Expendable Trust Fund (fund balance as of 12/31/11 - \$7,652.00). Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 26: To see if the Town will vote to raise and appropriate the sum of \$1,694.00 for the support of White Mountain Community Health Center to help meet the healthcare needs of the uninsured and underinsured residents of the Town of Jackson. Submitted by petition. Selectmen are in favor (3-0-0)

DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 27: To see if the Town will vote to raise and appropriate the sum of \$1,837.00 (level funded from last year) to support Jackson home delivered meals (Meals on Wheels), congregate meals transportation and program services provided by the Gibson Center for Senior Services, Inc. Submitted by petition. Selectmen are in favor (3-0-0)

DISCUSSION: Gino Funicella brought this warrant article noting the good work this effort supports. If there is anyone who can volunteer to drive the service is much needed.

Vote: Verbal approval (unanimous)

ARTICLE 28: To see if the Town will vote to raise and appropriate the sum of \$3,000.00 for Tri-County Community Action for the purpose of continuing services of the Fuel Assistance Program for the residents of Jackson. Submitted by petition. Selectmen are in favor (2-0-1)

DISCUSSION: Ray Abbott commented that he hoped none of this goes to the Blue Loon bus system and it was confirmed it does not.

Vote: Verbal approval (unanimous)

ARTICLE 29: To see if the Town will vote to raise and appropriate the sum of \$2,500.00 for the Early Supports and Services Program (birth to 3 years) of Children Unlimited, Inc. Submitted by petition. Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 30: To see if the Town will vote to raise and appropriate the sum of \$678.00 in support of Starting Point providing advocacy and support to victims of domestic and sexual violence and their children. Submitted by petition. Selectmen are in favor (3-0-0)
DISCUSSION: none Vote: Verbal approval (unanimous)

ARTICLE 31: To see if the Town will vote to raise and appropriate the sum of five hundred dollars (\$500.00) for the Eastern Slope Airport Authority for its use in maintaining and improving the Eastern Slope Regional Airport. ESAA is a non-profit organization committed to foster, encourage and assist in the location, settlement or resettlement of industry, manufacturing and other business enterprises in the locality surrounding the site of the public airport. Submitted by petition. Selectmen are in favor (2-0-1)

DISCUSSION: Peter Benson asked what we get for this.
Mike Sachse, the Jackson rep to the airport indicated this facility provides medical flights, search & rescue flights can take off out of there. Anne Kantack, a nurse for 30 years, commented she has never seen a medical case sent there. Jerry Dougherty III pointed out the airport is part of the region's infrastructure. This is a \$1M facility operating on \$100K. There are many businesses that use that facility, Dearborn [Precision Tubular Products] being one. This is a minimal amount to pay to have a valuable resource. Dr. Angus Badger has had a case flown out of the airport, which he said is valuable when helicopters can't fly in bad weather.

ARTICLE 32: To act upon other business which may legally come before this meeting. Selectmen are in favor (3-0-0)

Ray Abbott thanked the selectmen for finally coming to an agreement with Bartlett and also thanked Bea Davis for serving as the selectman.
Ginger Bailey thanked all selectmen stating it was a thankless job. Gino Funicella thanked Diane Falcey for bringing such a strong business sense to the

selectmen's office. Betsey Harding commented we assume we are in a sleepy little town but you read the police report and realize we are so lucky to have the support staff we have. John Pietkiewicz said it's good we can agree to disagree.

There being no further business a motion was made and seconded to dissolve. Moderator Kelley dissolved the meeting at 10:10PM

Beatrice Davis, Selectman

Jerome Dougherty IV, Selectman

John Allen, Selectman

Jeanette Heidmann, Town Clerk
A true copy attest

Atch: Summary of 2012 Warrant Articles Approved Budget