

RESULTS OF THE JACKSON TOWN MEETING MARCH 12, 2020

Polls were opened at 8:00 AM and closed at 7:00 PM on March 10, 2020 by Moderator Willis Kelley to vote on Article One and Two.

Moderator Kelley officially opens the continued town meeting for the business of the deliberative portion of the meeting for the year 2020. Moderator Kelley then led the attendees in the Pledge of Allegiance and one verse of God Bless America.

Article 01

ELECTION OF OFFICERS

To choose the necessary officers for the ensuing year.

Library Trustee - 3 year term	Linda Terry - 231
Moderator 2 year term	Willis Kelley - 237
Selectman - 3 year term	John Allen - 173
Selectman - 1 year term	Dick Bennett - 200
Supervisor of the Checklist - 6 year term	Kevin Donohoe - 230
Town Clerk / Tax Collector - 3 year term	Karen Burton - 248
Treasurer - 3 year term	Kathleen Dougherty - 236
Trustee of Cemeteries - 3 year term	Barbara Theriault - 247
Trustee of Trust Funds 3 year term	Dan Andrews - 234

Article 02

AMENDMENT #1 -ZONING ORDINANCE

To see if the Town will vote to adopt amendment No. 1 to the Town's Zoning Ordinance to revise Section 4, Districts and District Regulations, to add a new section 4.4 entitled "Short Term Rentals," which defines "Short Term Rental" as a dwelling unit where transient lodging is provided for compensation for stays of between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel or bed-and-breakfast. Section 4.4 also requires the owner of a Short Term Rental property to apply to the Board of Selectmen for a Conditional Use Permit, and it sets forth a process for the Selectmen to approve or disapprove the application for a Conditional Use Permit after Planning Board review. Section 4.4 also sets forth the responsibilities of a Short Term Rental owner, limits the number of Short Term Rentals in the Rural Residential District, sets forth a process for fines, penalties and revocation of a Conditional Use Permit, and allows for the possibility for an inspection based on reports of nuisances or other dangers to the public health. Short Term Rentals in existence in the Rural Residential District at the time of adoption of this ordinance shall be exempt from the restriction on the number of annual rentals. Proposed by the Planning Board. Recommended by the Planning Board (7, O, O) and Recommended by the Board of Selectmen (2, O, 1)

Vote: Passed

Article 03

OPERATING BUDGET

To see if the Town will vote to raise and appropriate the Selectmen's recommended Operating Budget of the Town in the amount of \$2,307,372 not including appropriations by special warrant articles and other appropriations voted separately. Recommended by the Board of Selectmen 3-0

DISCUSSION

Office of the Selectmen: No Comments

Office of the Town Clerk: No Comments

Financial Administration: Sarah Clemons would like to speak up to the 3% raise our towns workers every year we are giving without any oversight, an over the board raise she feels is inappropriate

Assessing: No Comments

Legal: No Comments

Personnel Administration: Sarah Clemons in our school system when it comes to health insurance our teachers pay 20% of total cost of insurance and in the Town of Jackson the town employees pay 3%, basic insurance cost to the employees is less than \$1,000. Jerry Dougherty IV, Sarah said town employees only contribute 3% for health insurance. Is that correct? I thought they contributed 15% of the cost of insurance. Julie Atwell they did over time when the Cadillac tax came into play there were adjustments made to give to the employee it changes year to year. Jerry Dougherty IV encourages the selectmen to look into that and see what the standard practices are for most employees in the country. Sarah Clemons when did these policies change, never once did I see the selectmen bring up we're changing this from 15% to 3%. Selectman Campbell you and I did have a discussion about these costs and I actually asked you what you suggest doing. I am doing a study to other comparable towns and municipalities as well as companies to see what trends are. Not ready to present anything. The other thing you're talking about are policies right now that are not a topic of the budget, so you can bring it up at a selectmen's meeting in the future.

Planning & Zoning Boards: No Comments

General Government Parks & Buildings: No Comments

Cemeteries: No Comments

Insurance: No Comments

Building Inspection: No Comments

Police: No Comments

Ambulance: Anne Kantack why the increase? Selectman Allen most of it we bought a second ambulance

Fire: No Comments

Emergency Management: Sarah Clemons asks if the gentlemen who runs this is here and maybe he would like to speak to what's going on. She just wants to say Thank You *(to Tom Greig)*

Highway Administration: No Comments

Highway: No Comments

Street Lighting: No Comments

Solid Waste Disposal: No Comments

Animal Control: No Comments

Public Welfare: No Comments

Library: No Comments

Other Conservation: No Comments

Other Culture & Recreation: No Comments

Parks & Recreation: No Comments

Debt Service: No Comments

Vote: Verbal Approval (unanimous)

ARTICLE 04

APPROPRIATIONS TO CAPITAL RESERVE FUNDS

To see if the Town will vote to raise and appropriate the sum of \$258,500 dollars to be placed in the following Capital Reserve Funds previously established:

- 1) Fire Department Truck Capital Reserve Fund * \$80,000.....(0003 – Fund Balance as of 12/31/19- \$320,278)
- 2) Road Reconstruction Capital Reserve Fund * \$65,000(0064 – Fund Balance as of 12/31/19 -\$750)
- 3) Highway Truck Capital Reserve Fund * 50,000(0048 – Fund Balance as of 12/31/19 - \$222,546)
- 4) Bartlett- Jackson Ambulance Capital Reserve Fund * \$10,000.....(0070 – Fund Balance as of 12/31/19- \$12,629)
- 5) Heavy Highway Vehicle Capital Reserve Fund * \$30,000.....(0068 - Fund Balance as of 12/31/19 - \$61,150)
- 6) Police Cruiser Capital Reserve Fund * \$15,500(0027 – Fund Balance as of 12/31/19 - \$49,690)
- 7) Revaluation of Town Property Capital Reserve Fund *\$3,000.....(0004 – Fund Balance as of 12/31/19 - \$40,091)
- 8) Solar Energy Capital Reserve Fund *\$5,000(00XX – Fund Balance as of 12/31/19 - \$5,000)

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Jerry Dougherty III,” on the agents to expend, prior to the law changing, when the town was going to buy a piece of capital equipment, vehicle or whatever, the town voted on whether or not to do it. Now we vote on whether or not to do it when we approve the Capital Reserve Funds. Because the funds are there to do it, the Selectmen decide to do it with no discussion from townspeople and I thought it was more appropriate when either the Fire Chief, the Highway Road Agent, or the Selectmen would have to sell us on the idea of buying what equipment they thought worthy. Now, being the Selectmen are the agents to expend we don't really, other than putting into the Capital Reserve Fund, we don't have a choice, or a vote in that decision. I would just like to go back to the time when the Selectmen would explain to us why they would buy what they were buying, when they were buying it.” Moderator Kelley,” I hear your comment. I would let the Selectmen answer, to confirm with John but going back to when the actual Capital Reserve was just a Capital Reserve, the law changed to allow them to become agents to expend that original Capital Reserve Expendable Trust article would have had to have been voted to establish and the law once that's established, it's an ongoing fund unless it, for whatever reason, that somebody wanted to look into how to proceed to maybe dispose of that. That's how that they do this now. But originally, whatever year, we can probably get that answer, each of those lines; Fire Department, Road Reconstruction, Highway and so on, were originally spelled out on the original vote to authorize the Selectmen as agents to expend. So that's just a clarification. It wasn't just something that they did but that's what allowed them to make decisions without having to go back and go through that vote. I'm not defending, or speaking for or against but just trying to help explain to those that may not be aware of how that fund was created. Does anyone have any comments? Questions?” Selectman Campbell,” I agree with you that it is a big responsibility that isn't presented to the town at Town Meetings. I will give you a really perfect example of it. We're buying a new highway vehicle this year and Pat Kelley, the Road Agent, and I did some research, presented some quotes to the Selectmen. I took it upon myself to get some education on those quotes, get comparable quotes, talk to manufacturers, and dealers that quoted those. I feel like we definitely need to do our due diligence to make sure we are spending the money correctly and properly, at the right time, and on the right equipment for what our town requires. So, I guess I would say, if this is the case and that is the way it is now that the town, the Selectmen, are making the decisions, the town members should be coming to the meetings to know that we are preparing to spend that money and ask for what information you want to make you feel comfortable that we're going to expend those funds. Even though it's up to us, you still need the

information presented to you as to where your tax dollars are going. So I got quite the education from the information and the detail that Pat did and feel very comfortable endorsing what he recommended to the town. I don't know if that gives you a better comfort feeling, or anything like that, but I would be interested in knowing when it did change. I think it's our responsibility to know what we are spending the money, the taxpayer's money appropriately, and timely. Jerry Dougherty IV, "Just to understand how this works logistically. Unlike the operating budget when, if you go to amend that up or down then that's more for guidance to the Selectmen then requirement. When we vote on the sum total of these, for instance, if we wanted to amend one of these up or down it would apply specifically to that Capital Reserve line, correct?" Moderator Kelley, "Yea, I tried to check for clarification and got two different answers." Jerry, "I assume it would have to be since they are Capital Reserve Funds, those funds have to be spent for specifically for what the funds are created for. So, if we wanted to, and I don't want to, I'm just saying for people to understand, you can vote to amend one of the funds up or down and they would be required to not put money into that, or put more money into that as the legislative body to decide." Moderator Kelley, "I hate to comment on that but again, I did a little research on that, not to be in favor or against it. My concern as moderator, according to the Secretary of State's office was, like the operating budget is this have to be amended as a total and it's their discretion as to where they add or subtract should an amendment be generated. They said, basically I got two different responses, from two different people as to what. One said they are governed to follow because of the fact that each, and Peter may want to comment on this. Peter Malia, "I'll break the tie. I'd agree with Jerry on this. If the legislative body wants to amend a Capital Reserve amount then that would apply to that Capital Reserve Fund and the Selectmen would not have the authority, like they do with the operating budget, to transfer money back and forth between Capital Reserve Funds. These are savings accounts basically for a particular purpose." Julie Atwell, "and I got the same response." Moderator Kelley, "I felt very comfortable with that response that I received. I was a little iffy when someone else called me back. "Jerry Dougherty IV," I would be comfortable with that response too. I would say though, if it isn't the case where they can amend the budget the way they want to, with the Capital Reserve Funds then we should split these up on a warrant so we can vote on each one individually. That I know we can do." Moderator Kelley, "That was my concern. Was I doing it right or wrong. "Jerry, "if it is the case where we can't decide which ones go up or down we should on the warrants split them into individual warrant articles. But I am comfortable with the response thinking it's all good intentioned, unless there is a problem, it wouldn't be a problem. I'm assuming if someone wanted to amend these up or down the Selectmen would follow it." Moderator Kelley, "and going to that effect, if there is any specific question from the audience on the items 1, 2, 3, 4, 5, 6, 7 in the line of how they are presented to you under the Article 4 feel free to, if you have a question on one specific, now is the time to maybe address and give the Selectmen your thoughts on them actually doing that expenditure. Again, that should really go to a Selectmen's meeting and have a specific request to do it. "Sarah Clemons," Thank you. What I would like to know is if it's possible to, if in following years to put in the amount we have at the present time." Bill Terry, "it's in there." Jay Feenan, "I imagine there is a target amount for these capitalizations at some point. Is that true?" Moderator Kelley, "when it comes to the vehicles that the town owns and operates? There is ongoing, it gets updated, but there is a target year specific to each vehicle, whether it be a highway truck, fire truck or police cruiser or whatever." Selectman Allen, "page 37." Moderator Kelley, "There is, and the same thing when you are talking about road construction, the road agent has a plan that isn't just – well, I don't know what road I'm going to do tomorrow."

Vote: Verbal Approval (unanimous)

ARTICLE 05

APPROPRIATIONS TO EXPENDABLE TRUST FUNDS

To see if the Town will vote to raise and appropriate the sum of \$104,000 dollars to be placed in the following Expendable Trust Funds previously established:

- 1) Transfer Station Expendable Fund *\$5,000.....(0028 – Fund Balance as of 12/31/19 - \$32,547)
- 2) State Aid Reconstruction Expendable Fund *\$5,000..... (0058 – Fund Balance as of 12/31/19 - \$20,659)
- 3) Bridge Repair Expendable Trust Fund *\$85,000.....(0034- Fund Balance as of 12/31/19 - \$143,560)
- 4) Dry Hydrant Expendable Trust Fund *\$500.....(0049 – Fund Balance as of 12/31/19 - \$30,093)
- 5) Police Department Equipment Expendable Trust Fund *\$3,000.....(0051- Fund Balance as of 12/31/19 - 4,986)
- 6) Fire Department Equipment Expendable Trust Fund *\$3,000(0046 – Fund Balance as of 12/31/19 - \$5,362)
- 7) Melloon Road Ground Water Expendable Trust Fund *\$2,000(0071 – Fund Balance as of 12/31/19 - \$5,238)
- 8) Town Office Equipment Expendable Trust Fund *\$500.....(0047- Fund Balance as of 12/31/19 - \$1,422)

Recommended by the Board of Selectmen 3-0-0

Vote: Verbal Approval (unanimous)

ARTICLE 06

SOCIAL SERVICES

To see if the Town will vote to raise and appropriate the sum of \$20,643 to support the following:

- 1) Children Unlimited - \$4,000
- 2) Tri-County Community Action (Fuel) - \$3,000
- 3) Tri-County Community Action (Homeless Intervention) - \$420
- 4) Jackson Chamber of Commerce – Fireworks - \$3,000
- 5) The Gibson Center - \$3,000
- 6) White Mountain Community Health - \$1,310
- 7) Starting Point – \$2,197
- 8) Conway Area Humane Society - \$2,000
- 9) Jackson Chamber of Commerce – Beautification Project - \$1,000
- 10) Northern Human Services - \$716

Recommended by the Board of Selectmen 3-0-0

Vote: Verbal Approval (unanimous)

ARTICLE 07

TRUSSES- VALLEY CROSS ROAD BRIDGE

To see if the Town will vote to raise and appropriate the sum of \$45,000 for the purpose of refurbishing the trusses on Valley Cross Road Bridge.

Recommended by the Board of Selectmen 2-0-1

DISCUSSION

Sarah Clemons they have a picture in the book on what the bridge would look like without the trusses, Selectmen Allen if we don't vote for them now the design will not include the connections to have trusses added later. Bob Thompson would like to hear from the select board member who abstained not to vote

either for or against and what the logic was. Selectmen Allen states “that was me” the cost was kind of prohibitive I did not want to vote against it, I didn’t want it to seem like my vote was going to influence anybody. I do have a thought when I was a younger lad those trusses could have been a potential hazard for people walking on them. Liability wise for the Town especially for the Eagle Mountain side wouldn’t have a landing other than the water. Sarah Clemons there still will be a walkway without the trusses. Selectmen Bennett there will actually be a kick out so in the middle it will be a little wider for an observation area or take pictures.

Vote: Defeated

ARTICLE 08 FIRE STATION FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate the sum of \$25,000 for the purpose of conducting a feasibility study for the Fire Station.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Sarah Clemons I’m also concerned with doing this this year especially with what is happening in our climate today with the situation due to the Coronavirus but also to its not something that has to be done this year, it’s something that could be done another year. I would like to point out to those who were not at the school meeting we are already paying out \$15,000 for a feasible study for our school campus. If you add on another \$25,000 that’s \$40,000 that we are putting out just to have studies. Due to the circumstances of our country and our town this study could be done at a later time. Jerry Dougherty III, I recommend we do this study our fire station is in need of work as it is and in many cases it’s substandard to many codes. Without this study the selectmen are flying blind. They have no idea as to what should be done or how it should be done. This study saves the town money. I recommend the towns people should approve. Will Reisig in light of these two previous comments I would like to put to the Board of Selectmen. What exactly will this study examine? Will it examine the optimum location for the fire station or what kind of equipment it will be utilizing or what other facets of the plan will be examined in this study? Peter Benson this feasibility study will accomplish a few things it will help us plan for the future, it’s not advocating for anything we’re just looking at the range of options. The consultant we hopefully hire will help us to determine the range of options from some moderate renovations to what a new facility would look like. Without getting those answers we cannot really go forward, it’s not about the equipment in the building it’s about the building itself. Selectmen Campbell when we started talking to one architect in the state they did quote at a certain dollar amount for a new building and having since then we have negotiated that down to a new building or a renovation. If we were to hire them they will be doing a full scope feasibility study not just on a new fire station. Jerry Dougherty IV, also included in the feasibility study is multiple public hearings. So it’s not going to be consultants only to the group that’s the committee looking at the feasibility study, it’s going to be the whole town. Selectmen Bennett it helps us with planning. A planning tool for us that shows us where to spend the money.

Vote: Verbal Approval (unanimous)

ARTICLE 09

VALLEY VISION

To see if the Town will vote to raise and appropriate the sum of \$5,000 for the purpose of viewing all Valley Vision broadcasts.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Bill Terry is there any chance this is actually going to happen this year? Selectmen Allen we had a problem with getting a contract with Spectrum last year.

Vote: Verbal Approval (unanimous)

ARTICLE 10

NOISE ORDINANCE

To see if the Town will vote to adopt an ordinance to regulate and prohibit unnecessary noises within the Town of Jackson. This ordinance defines unnecessary noise as an excessive, unnecessary or unusually loud noise which is prolonged, unusual and unnatural in its time, place and use effect, and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents and visitors of the Town. This prohibition shall include, but is not limited to, any such loud unnecessary or unusual noises made during the hours of 10:30 pm to 6:00 am, seven days per week. The ordinance also contains several exemptions from the definition of unnecessary noise, and several examples of prohibited noises. A full text of the Ordinance is available at the Town Clerk's office.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Paul Palubniak it mentions no way of measuring it out, it's all speculative what you hear and what the next person can hear. You don't have a specified way of measuring it. So the limits can they hold up if someone challenges it in a court of law. Chief Perley the definition of unreasonable noise or the standard that would be used present in court and is included in the information in the ordinance. It says all noise and noise complaints will be evaluated under the reasonable and prudent standard for the conditions that exist then and there unless specifically prohibited by definition. This standard of reasonable and prudence is the same standard used in court for offenses of disorderly conduct. As far as being tested and constitutionally valid this is not a carbon copy, because Londonderry, NH Noise Ordinance is far more specific and longer and more involved. This is Londonderry like, I have spoken to Bill Hart who is the Chief of Police in Londonderry he is also a bar admitted attorney he said that they have had no constitutional or successful challenges to the construct for the content of the statutory language. And they have been successful with every prosecution they have had under this ordinance. Anne Kantack what prompted this ordinances? Chief Perley a year and a half ago the select board asked myself and Julie Atwell to review the Town Ordinances that we had and see if they were effective, if they were correct proper and still relevant. To add any or suggest any that we have had any complaints, areas of complaints that we don't have any ordinances. Everybody in town thought we had a town ordinance for noise, we never had a town ordinance on noise. There was a general belief there was, and there was a

photocopy of disorderly conduct statute stuck into the ordinance book. You cannot replace a State Statute with a Town Ordinance. Ken Kimball this is just for clarification on line 4 "and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity" was it the intention that it meet all those criteria's or just one of those. Chief Perley we can't amend any of the ordinances, I have talked to Attorney Malia. They're up or down votes so I would say if the language suggests for legal challenge shows that we would have to meet all the burdens or we try to meet all the burdens. Attorney Malia the intent was for "or" not "and". The word "and" should be "or" we can agree the selectmen can amend that word at their next meeting. Moderator Kelley says Mr. Kimball would like to amend this article as written to include the word "or" in line 4 of the ordinance as written on the warrant. Moved and Seconded.

Vote as amended: Amendment Carries

Jerry Dougherty III, how would an officer know that this ordinance was being violated, Chief Perley the same way we would any offense. We talk to witnesses, they describe what the noise was, maybe talk to the people who might be involved they may say yeah I was banging a base drum and screaming at the top of my lungs or they may say 'we don't want to talk to you' so we investigate things. If it's a reoccurring problem, with no surprise in the age of cell phones we would often go to a call and they would say they were being really loud and noisy and here is a recording of it. We do not have to experience everything to enforce it. Emily Benson is this in reference to the different wedding venues we have in town? We amended this during our discussion phase about the wedding venues which are primarily the Wentworth and Whitney Inn, they have a liquor license component to their liquor license is that they have to stop at 10:30pm. I would say the bulk of the complaints are not from the wedding parties because they do a good job regulating them, because their liquor license hangs in the balance. A lot of times amplified music is a big concern and the topography of the community it's a big bowl so you hear everything from far away. I would say no, not the weddings.

Vote as amended: Verbal Approval

ARTICLE 11 CAMPING ORDINANCE

To see if the Town will vote to adopt an ordinance to prohibit camping in any municipal park, parking lot, public street, or town greenspace without the prior written permission of the Board of Selectmen. A full text of the Ordinance is available at the Town Clerk's Office.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Caitlin Straus-Bowers is everything assumed to be allowed, unless there is an ordinance against it? Chief Perley we talk about the American model and the European model, the European model is everything is prohibited unless permitted. The American model is everything is permitted unless prohibited. The reason for this particular ordinance was because we have no prohibition against itinerant camping in the town. Last summer, we had a number of campers camping on public property simply because it's not prohibited. There is a popular trend called boon docking, people find places where there is no regulations and they will park for 1 day, 3 days, 5 days or they'll park all summer. We had that situation, we had a motorhome up at the old turnaround dump by Moon Drive, we had a camper in the municipal parking lot for a period of time down here by the library. In crafting this ordinance, I wanted to

make sure in no way confused with criminalizing homelessness. Most of your anti-camping statutes that get challenged are because courts are ruling that they are cities and communities are criminalizing homelessness. This statute does not do that because you can get permission to camp from the Selectmen or their designees. For example: a family is driving through, they park and have lunch, their motorhome breaks down, the police go by hey it's 8 o'clock at night you can't camp here. Our motorhome broke down, we're penniless we've called my friend he is coming from wherever and he is coming to help us. Oh great no problem, the designee gives them a permit to camp with a period of time for that one night. That way if another officer checks, yup your officer gave us permission or selectmen did, we went to the town. Great no problem, if you need anything let us know. That avoids criminalizing homelessness or down trodden, it also ensures they do not in turn the public spaces in Jackson into the free Glen house free campground. Holly Chase does that mean if someone was driving through with a van, but it didn't happen to breakdown and an officer was to approach them they could get a permit for that purpose? If they didn't preplan needing to go into the town office to get a permit from the selectmen. They can always ask for a permit, we are trying to prevent long term inappropriate camping because of health & safety and sanitary.

Vote: Verbal Approval (unanimous)

ARTICLE 12 FIREWORKS ORDINANCE

To see if the Town will vote to adopt an ordinance to regulate fireworks within the Town of Jackson. This Ordinance prohibits the discharge of fireworks without a license. This ordinance exempts novelty items commonly referred to as Party Poppers, Snaps, Snakes, Sparklers, and Morning Glories. A full text of the Ordinance is available at the Town Clerk's office.

Recommended by the Board of Selectmen 2-0-1

DISCUSSION

Will Reisig who would be issuing the license to utilize these fireworks? Fire Chief Jay Henry states it will be the Fire Chief, Selectmen and Police Chief. Chief Perley says that's the professional level permit and license like people who apply for who are licensed fireworks displays. Peter Benson what selectmen voted against or abstained and why? Selectmen Bennett says it's me I could not vote against myself I like fireworks. Peter Benson I like fireworks and with the Noise Ordinance that has passed that it is reasonable it seems to me that this doesn't seem like the greatest plan. There's not regulation against firearm discharge I don't see how you can regulate fireworks and be able to discern between the two. I think the homeowner who likes to enjoy the 4th of July with his family and friends should be able to light some fireworks between the hours of 6am and 10:30pm. I think this is a little overly restricted. Chief Perley why the difference between fireworks and firearms they are defined by statute. There is no confusion about the difference between shooting off a gun and setting off a firework as it applies to this particular ordinance. The reason the fireworks ordinance was drafted is we get regular complaints about fireworks. The difference between the fireworks ordinance and the noise ordinance is this. The fireworks ordinance allows us to seize the fireworks that are unused when we respond to a complaint. The noise ordinance does not. So what can happen is the fireworks complaint can continue until the fireworks are burnt up or we haul them away or we give them more tickets. Jerry Dougherty III, how many times has

the fire chief responded to fires due to indiscriminate use of fireworks? Chief Henry I do not recall any issues with fires in a while. Bob Kantack what is the difference between getting a license and a permit? Chief Perley the only people who can get a license to display fireworks are professional fireworks people, pyrotechnic experts. Bob Kantack if this ordinance fails would the noise ordinance prevent people from setting off fireworks after 10:30pm? Chief Perley fireworks complaints are often noise complaints so if somebody calls and complains about fireworks at 11 o'clock, it's probably for fireworks complaint and a noise complaint. So yes we can respond to it because of the noise ordinance statute. Here's the difference: if you call about a noise complaint that the ski lodge is tossing off fireworks and M80's at 12 o'clock at night. And you call and we have a noise ordinance, I need a statement from you, we have to evaluate the circumstances, what did they discharge, what did the other neighbors say? And we do an investigation and maybe they give up the goods and tell us they did it and maybe they don't. Fireworks is a static enforcement the violation is just simply using the fireworks. I don't need a statement per se I find the remnants of the fireworks, I collect the fireworks and I can seize the unused which can help with additional complaints. With the noise complaint I don't have the authority to seize unused fireworks any more than if they had anything else. To use it is unlawful but to possess it was not.

Vote: Defeated

ARTICLE 13

USE OF TOBACCO PRODUCTS PROHIBITED ORDINANCE

To see if the Town will vote to adopt an ordinance to prohibit the use of tobacco on town property, including buildings, structures, properties, parks, municipal parking lots, or town greenspaces. Tobacco includes e-cigarettes (electronic smoking devices). This Ordinance shall not apply to the town owned property known as Prospect Farm. A full text of the Ordinance is available at the Town Clerk's office.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Anne Kantack why is Prospect Farm exempted? Chief Perley when we drafted the sweep of ordinances one ordinance was for regulation of behavior at Prospect Farms because we had complaints only to find they were rules for Prospect Farm but there was no ordinance. So we converted the rules to a proposed ordinance then later through discussion it was determined that the primary governor of Prospect Farm is the Conservation Commission not the Board of Selectmen. So Prospect Farm ordinance was withdrawn because the Conservation Commission was going to really take a hard look at it. About rules for Prospect Farm there's some question about the difference between public vs private. So when this ordinance was drafted the Tobacco Use there was language about public spaces and there was a question about and it was posed exactly like this one. What if someone is smoking a pipe hunting in Prospect Farms. Are you going to give him a ticket? Because the regulation of Prospect Farm has really been divested from the Selectmen to the Conservation Commission. We thought any regulations that mentions the public park, the Prospect Farm should be taken out because that will be under the Conservation Commission.

Vote: Verbal Approval (unanimous)

ARTICLE 14

USE OF SKATEBOARDS & SCOOTERS ORDINANCE

To see if the Town will vote to adopt an ordinance to regulate the use of skateboards and scooters to provide for the safe and efficient use of public travel within the Town of Jackson. This Ordinance creates rules for the use of skateboards and scooters on public ways only. A full text of the Ordinance is available at the Town Clerk's office.

Recommended by the Board of Selectmen 3-0-0

DISCUSSION

Fred Pittenger, "Does this include electric Scooters, or motorized scooters?" Chief Perley, "Can you describe what you are asking? What type of vehicle are you asking?" Fred, "motorized scooters". Chief, "do you mean like, a personal mobility assist, or a 2 wheeled and it has an electric motor?" Fred, "2 wheeled and has an electric motor. They're becoming very common now." Chief, "yes, that is included in the definition. It's tough to make ordinances or rules around technology. This tried to incorporate all technologies that are currently used. The scooter and the skateboard, and I know this is so weird, to describe a skateboard with an engine but we've seen several of them. Skateboard and scooter are pretty much the same definition every device propelled by human power, gravity, electric motor or internal combustion engine of 49cc's or less, or any combination thereof upon which a person or persons may ride on 2 or more wheels and is not otherwise defined. There are definitions for things like electric mobility devices, Segway, bicycles, that's why we put that in there. A scooter is almost the same, only a scooter, the addition was, also contains a handle or handlebar." Holly Chase, Why, specifically, are skateboards and scooter identified in this ordinance and why not bikes like a cyclist would be on? It feels like it is specifically targeting skateboards and scooters when honestly, probably, cyclists are just as prevalent on the road. Everyone tries to abide by the rules." Moderator Kelley, "I think I can answer that question. He just covered that." Chief Perley, "Well, that's a great question and I will tell you exactly why. There is a state statute in the Motor Vehicle Code that covers the riding and maneuvering of a bicycle on roadways. This ordinance is almost an exact copy only we overlaid scooter and skateboard so that the rules of the road are no more restrictive, no less restrictive, actually some are less restrictive cause of the way you may ride a skateboard. So, to answer your question, bicycles are regulated by the statute that controls the movement of a bicycle and there is no statute that controls the regulation of a skateboard. So this ordinance, adopts, those standards with some exceptions like hand control because you might not be able to make a signal because you have to do something to stop the thing." Holly, "so it this in response to any particular skateboard incident?" Chief Perley, "Oh well they are all in response to complaints and as I explained in public hearings; communities that don't have any regulation on skateboards and receive complaints, will often default to a strict prohibition at some point. Because they are like "ahhhh, I'm sick of skateboarders. I'm sick of scooters.", then they bar them. This allows regulations to be put in place so that the populace can be comfortable knowing the town isn't going to run amuck with skateboarders, and it also allows skateboarders to say, Hey, I have rules, I have rights. I can be on the road. You know people who call the cops that say, 'you know they are on my mountain road. Well they are allowed to, as long as they are not doing some things they are not supposed to do. Melissa Grady, "Can you give me an example of public ways and also nonpublic?" Chief Perley, "Sure, public ways defined by statute RSA 259:125 paragraph 1, specifically apply to the definition of public ways. The businesses that are open to the public for the benefit of a paying customer. What wouldn't be

a way is anything that doesn't fall into the definition of a way, a driveway, a field that you can skateboard on with one of those 4-wheel drive skateboards." John Allen, "Sidewalk? How about a sidewalk?" Chief Perley, "A sidewalk is defined as a sidewalk, so it would not be a public way for vehicles." John Allen, "So skateboarders can't be on a sidewalk." Chief Perley, "I think that is covered in this section." Jay Feenan, "I'm just kind of curious, because, you know during my life, a scooter has always been something larger than a moped. A moped was less than 50cc's. A moped would be a scooter according to this." Chief Perley, "No, because a moped is otherwise defined by statute as a moped. It has a specific designation. That's an assist vehicle." Peter Benson, "I think the intention is good but this is confusing. Wheeled conveyances change all the time. Just to say skateboards and scooters, is somewhat confusing. I think a lot of this came about because the state finally paved some of our roads in the past year or two. The asphalt was smooth so we saw a lot of people, or increased use by skateboarders and scooters. In my barn, I have a rip-stick. I have rollerskiis. There's been a mono board, at times it gets really tricky defining the terms as to what's going to be regulated and what isn't going to be regulated. I don't know, it's a skateboard, man. I mean, I don't want to pick on these skateboarders. I own one. I think, live and let live. Live free or die. If you're going down a hill you might die." Chief Perley, "I just want to clarify. There won't be any confusion as to what the conveyance is and I know technology changes. That's why we specifically identify what the conveyances would be. So the user would know, the officer would know, the courts would know what they need to know. It's not a blurry, generic, today that's a skateboard, tomorrow it's not. It's defined by statute. This isn't about hunting down skateboarders, it's about public safety. We get regular complaints about skateboarders who are on the wrong side of the road, who travel and pass vehicles, and so and so forth. I don't want their rights and privileges to be totally eliminated but also, I want everyone to be safe. That's all. "

Vote: Defeated

Article 15

RESOLUTION ON CLIMATE POLLUTION- PETITIONED

To see if the Town will vote to adopt the following resolution:

We the town of Jackson hereby call upon our State and Federal elected representatives to enact carbon-pricing legislation to protect New Hampshire from the costs and environmental risks of continued climate inaction. To protect households, we support a Carbon Fee and Dividend approach that charges fossil fuel producers for their carbon pollution and rebates the money collected to all residents on an equal basis. Enacting a Carbon Cash-Back program decreases long-term fossil-fuel dependence, aids in the economic transition for energy consumers, and keeps local energy dollars in New Hampshire's economy. Carbon Cash-Back has been championed by US economists (Jan 17, 2019 WSJ) as the most effective and fair way to deliver rapid reductions in harmful carbon emissions at the scale required for our safety.

We expect our representatives to lead in this critical moment for the health and well-being of our citizens and for the protection of New Hampshire's natural resources upon which we all rely.

The record of the vote approving this article shall be transmitted by written notice to Jackson's State Legislators, to the Governor of New Hampshire, to Jackson's Congressional Delegation, and to the President of the United States, informing them of the instructions from their constituents, by Jackson's Select Board, within 30 days of this vote.

DISCUSSION

Sarah Clemons this was a discussion at a selectmen's meeting and there was a few of us there, that thought this was political rather than something about running our town. Dawson Winch I think we all agree that carbon needs to be reduced and fossil fuels, but what are the alternatives. What's the definition of fossil free producer? We all produce greenhouse gasses emissions every time we get in our cars, so just a clarification what is a fossil fuel producer and are we petitioning the government to do something and what are the alternatives to that? Bruce Curtis-McLane I would like to read a brief statement:

Article #15 gives Jackson voters a chance to ask our state and federal legislators to act now to protect our world from the negative effects of climate change. When carbon pollution is free, there is too much of it. For too long, fossil fuel producers have been allowed to dump carbon pollution into our air without paying for any of the damage that it causes. Cash-back carbon pricing, also known as fee & dividend, puts a price on pollution and incentivizes conservation and innovation to replace fossil fuels with clean energy solutions. It does this by imposing a fee on fossil fuel producers. All the money collected, after administration costs, is placed in a dedicated trust fund, and rebated monthly to all NH residents on an equal basis. Two-thirds of all households will break even or get more in their equal share of the money collected than they pay in higher costs due to the fee. If eventually a federal bill replaces the state bill, it will use border adjustments to push our carbon price around the world.

Economists worldwide agree that this approach is the most cost-effective and fair way to keep carbon in the ground. It is a revenue-neutral method that uses the free market, not the government, to create innovative solutions for cleaner, renewable and cheaper energy sources. Cash-back carbon pricing is a bipartisan solution, it's effective at reducing climate pollution, protects family budgets, creates jobs, and has a global reach. Many other countries already use the fee and dividend approach. Canada adopted it just last year, and China is ready to start it this year.

Finally, this warrant does not commit Jackson or NH to any specific legislation but simply asks our state representatives to address this issue and use a carbon cash back solution to do it.

As of today, 38 New Hampshire towns are considering this. The towns that have met Monday and Tuesday night about 12 passes it so far, and two did not. And the rest are tonight or tomorrow. Moderator Kelley, is there any other questions. Holly Chase it is important for us as a town to stand up and make a statement on this, because obviously it's something that affects us and our topography here in Jackson and will continue to affect future generations as well. It would be great is Jackson had a positive voice in that. Sarah Clemons, again we are talking about carbon footprint and sure we're talking about the big industries that do it. But we have a carbon impact here in Jackson, we provide school transportation to all our students who are bussed for our kids to go to and from school. I have asked the school for how many students about that actually ride the bus. But I know that at Kennett High School there are over 200 parking spots for students to park their vehicles they take too and from school every day. Plus, parking at Shaw's. And I think this is a political statement. Dawson Winch I don't think this goes far enough but I think it's great. I want more. Anne Kantack, this is just an advisory it's not binding?

Vote: Verbal Approval (unanimous)

Article 16
ANY OTHER BUSINESS

To act upon any other business which may legally come before this meeting.

Selectmen Bennett would like to thank Julie Hoyt and Julie Atwell for putting this report together it has a lot of information in it. Emily Benson we have a new service in town sponsored by the library called Jackson Bridge, it's a community's helpers email list serve. And if you would like more information you can sign up for, if it comes to a scenario where you might have to self-quarantine you could put a little email out maybe some help with getting food or any kind of requests. There is more information on the Jackson Library website. It's a great way to help our neighbors. Tish Hanlon would like to express some gratitude for all the people to give up their time in this town in various ways police, fire, select people we have a lot of people who work hard and I appreciate it, I think all of us do. I appreciate Sarah because she goes to the meetings for anyone who attends the meetings and takes part in the discussions and keeps an eye on things, I appreciate that. And as a member of the Friends of the Whitney, I want to thank you for coming and be safe. Let's keep an eye on each other. Moderator Kelley I would like to thank everyone, we had a really good election on Tuesday which was the first half of town meeting officially it went well. Tonight I was expecting us to go quite a bit longer and it went very well and I want to thank everybody for holding a very great meeting. It appears our town is growing and our taxes are our taxes, but this town runs very smoothly overall.

Will Reisig I motion to dissolve the town meeting. Moved and Seconded.

Vote: Verbal Approval (unanimous)

John Allen, Selectmen

Barbara Campbell, Selectmen

Richard Bennett, Selectmen

Respectfully submitted and A True Copy of Record Attest,

Karen E. Burton