

TOWN OF TUFTONBORO

Annual Town Meeting Minutes

March 8, 2011 – Town Elections

March 9 & 26, 2011 – Town Meeting

At a legal meeting of the inhabitants of the Town of Tuftonboro, County of Carroll, and State of New Hampshire on Tuesday, the eighth day of March, at ten o'clock in the forenoon at the Tuftonboro Town House, the meeting was called to order by Moderator Daniel F. Barnard, Jr. The polls were declared open for voting and to remain open until 7:00 PM or until all present that wish to vote have voted.

Ballots were also cast for school officers and for articles on the school warrant, as provided for under the SB2 plan. These ballots were then taken to Wolfeboro to be counted.

Listed below are the results of the town balloting for **Article 1: to choose all necessary Town Officers for the year ensuing:**

Selectman for Three Years	Votes
Donald S. (Ted) Wright	309
Carolyn Sundquist	373

Town Clerk for Three Years	
Heather K. Cubeddu	678

Tax Collector for Three Years	
Jacquelyn H. Rollins	660

Road Agent for Three Years	
Frank Tranchita	41
Jim Bean	401
John Lapolla	75
Jeff Moody	180

Budget Committee for Three Years	
Tyler B. Phillips, Sr.	513
Wayne A. Black	527

Trustee of the Trust Funds for Three Years	
Betsy McCarthy	625

Trustee of the Trust Funds for Two Years	
Eric J. Letendre	612

Cemetery Trustee for Three Years	
Betsy McCarthy	611

Library Trustee for Three Years

Paul Matlock 346
Anthony E. Lyon 274

Listed below are the results of the town balloting for **Article 2, Tuftonboro Zoning Amendments.**

2. Are you in favor of the following amendment to Section 4.3 CERTIFICATE OF OCCUPANCY as recommended by the Planning Board?

Amending Section 14.3.3 Compliance:

No Certificate of Occupancy shall be issued for any premises unless the proposed use of the land, Buildings and other structures thereon comply with:

- A. The provisions of this Ordinance or the terms of a Special Exception or Variance issued by the Board of Adjustment pursuant to RSA 674:41.II.
- B. All applicable housing, health, fire, safety, Building codes and ordinances.
- C. RSA 676:12.V. which states that on land which is part of a subdivision plat or site plan, no building shall be used or occupied prior to the completion of required streets and utilities, except upon such terms as the Planning Board may have authorized as part of its decision approving the plat or site plan.

YES 481

NO 199

March 9, 2011 – Tuftonboro Central School

Moderator Daniel F. Barnard, Jr. called the second portion of the 2011 Annual Meeting to order at 7:30 PM. The meeting was opened with a salute to the flag and a moment of silence.

The Moderator explained the voting card each voter received when they checked in at the meeting. Non-registered voters were identified by a show of hands. Housekeeping reminders were announced.

Moderator Barnard announced the results of the election of March 8th - 702 townspeople cast ballots, 51 of them by absentee vote. The officers elected stood to be recognized and will be sworn in after the three day waiting period. Jack Widmer was asked to report on the School District voting results. Mr. Widmer reported that all articles passed and updated residents on the high school building project. The projected completion of the project is September 2012. The meeting then proceeded with the remaining articles of the Town warrant.

3. To see if the Town will vote to raise and appropriate the sum of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) for the purpose of building and equipping a Public Safety Facility. The Three Million Two Hundred Thousand

Dollars (\$3,200,000.00) of such sum to be raised through the issuance of Bonds or Notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; to authorize the Selectmen to apply for, obtain and accept federal, state, or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof. (Note: Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee).

(Recommended by the Board of Selectmen 3-0 and not recommended by the Budget Committee 4-3)

(Secret Ballot with two-thirds vote required)

The Moderator asked if those in attendance would be willing to discuss articles 3 & 4 at the same time. A motion was made by Jack Widmer and seconded by Paul Thornton. All in favor. The Moderator read article 3 and article 4 and a motion was made and seconded to accept Article 3. Selectman Carolyn Sundquist gave an overview of the project, which is a 14,000 square foot building with 9,400 square feet devoted to the fire department and 4,500 square feet to the police department. Both Fire Chief Adam Thompson and Police Chief Andrew Shagoury spoke in favor of the building citing the need for expanded space, centralized location, more efficiency, greater security and privacy for victims of crime. Gary Goudreau of Davis Goudreau Architects, Inc. and Andre Koletz of Bauen Corporation gave an overview of the what has been done to come up with the cost estimates, including visiting several other public safety facilities. Selectman Sundquist explained that the Town is looking into a 15-year loan at area banks, currently offering 4 to 5% interest with no fees. No impact on taxes in 2011 and the Town will use undesignated fund balance to help off set increase in taxes. In 2006, the Town approved \$365,000 to go forward with the purchase of land for a public safety facility.

A motion was made to move article 3, the Moderator felt it was premature at this time as there has been no discussion. Maryann Lynch spoke offering her strong support for article 3 and also told those in attendance she did not write the letter to the editor in the Granite State News. Susan Weeks, David Ford and Eric Roseen all spoke in favor of article 3.

Eric Roseen made a motion to amend article 3 by inserting the wording “*including a major entrance with approval from the NH Department of Transportation for the remaining land and an exterior bathroom for recreational use*” after Public Safety Facility in the first sentence. The motion to amend article 3 was seconded by Paul Askew. After one question and no further discussion, the Moderator asked for a vote on the proposed amendment to article 3. All in favor of the amendment to article 3.

Several others spoke in favor of the building. Bob McWhirter asked the Selectmen how much the Town had in undesignated fund balance. Selectman Sundquist said that based on our most recent audit the Town has \$1,448,609.46 in undesignated fund balance. The Town must keep monies to pay for at least two months worth of expenses. Russell Baerenklau felt the Town could save money by eliminating the architect and construction

manager. A motion was made by Chris Sawyer to call the question. The motion was seconded. All in favor. The Moderator reread article 3 including the amendment. Voting on this article began at 9:27 PM. Voting will remain open for one hour. At 10:27 PM, the voting was closed and the ballot clerks tallied the results. Article 3 including the amendment failed to pass by 2/3 vote, 217 YES (59.6%) and 147 NO. A total of 364 votes.

4. **(By Petition): To see if the Town will vote to raise and appropriate the sum of One Million, Five Hundred Thousand Dollars (\$1,500,000) for the purpose of building and equipping a new Fire Station, including radiant heat for the floor of the apparatus bays, such sum to be raised through the issuance of bonds or notes in accordance with the provisions of the Municipal Finance act (RSA Chapter 33). Further, to authorize the Selectmen to issue and negotiate such bonds and notes and to determine the rate of interest thereon, and the maturity, and other terms thereof, and to authorize the Selectmen to apply for, receive and expend Federal or State grants that may become available for said purpose.
(Not recommended by the Board of Selectmen 3-0 and Recommended by the Budget Committee 5-1-1)
(Secret Ballot with two-thirds vote required)**

A motion was made to accept article 4 as read. John Simms seconded the motion. All in favor. John Simms felt that people would be in favor of a stand-alone fire station for the proposed 1.5 million and felt this would provide a back-up plan so something could get done this year. CIP Chairman Terry Smith stated that from past history the CIP knew of the critical facilities needs for Fire, Police and Library. The Committee felt another year of inaction would be harmful to each unit. The CIP believed that voters would want public safety requirements addressed in spite of the difficult economy. The CIP's report recommended a warrant article of \$1.8 - \$2.0 million to build a fire station. The report also recommended a contribution of \$50,000 to the existing Capital Reserve for a new library and \$50,000 to a newly created Capital Reserve for a police facility. John Simms stated he had talked to several builders who have indicated they can complete the project for 1.5 million. Rick Weeks expressed confusion on the difference in cost.

John Simms made a motion to table article 4 until the voting period and outcome of article 3 was announced. Chris Sawyer seconded the motion. All in favor. After article 3 was defeated, a motion was made to bring article 4 on the table. The motion was seconded. A resident asked why radiant heat was included in warrant article 4 and John Simms said he felt it was important to include this. A motion was made to call the question. The motion was seconded. All in favor. Voting began at 10:57 PM on article 4. Voting opened for one hour. At 11:57 PM, the voting was closed and the ballot clerks tallied the results. Article 4 failed to pass by 2/3 vote, 74 YES (28.2%) and 188 NO. A total of 262 votes cast.

5. **Are you in favor of the transfer of development rights from the following Town-owned parcels known as the "Great Meadows" for the purposes of creating perpetual conservation easements and restrictions against future development (Tax Map #31-1-3, 31-1-2, 31-1-4, 31-1-6, 31-1-7 and 31-1-10)?**

(Majority vote required)
(Recommended by the Board of Selectmen 3-0)

A motion was made by Selectman Bill Stockman to accept the article. Cheryl Marisseau seconded the motion. Conservation Commission Chairman Michael Phelps stated that these properties are currently Town owned and it will place a Conservation Easement on the properties. The Conservation Commission is also encouraging others who have abutting land to also put their property into a Conservation Easement. This portion of the Great Meadows is a major aquifer and this will protect this area from future development. The Town will always have rights to the water and public access to the property for recreational purposes will continue. No discussion or questions. The Moderator asked for a vote on article 5 by a show of hands. The article was declared passed.

- 6. To see if the Town will vote to raise and appropriate the sum of One Hundred Eighty Five Thousand Dollars (\$185,000) for the paving of town roads.**
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)

A motion was made by Jack Widmer and seconded by Steve Wingate to accept article 6 as read. Selectmen stated that paving this year would be done on Ledge Hill Road and Union Wharf Road. No discussion or questions. The Moderator asked for a vote. The article was passed.

- 7. To see if the Town will vote to raise and appropriate the sum of Twelve Thousand Dollars (\$12,000.00) for improvement to the Transfer Station Facility, namely enclosing the rear section of the recycling building and relocating the glass crusher.**
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)

Jack Widmer made a motion to accept article 7 and Jeanne Tempest seconded the motion. The Selectmen informed that the glass crusher would be moved out back in an enclosed spot. No discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 8. To see if the Town will vote to raise and appropriate the sum of Thirty Seven Thousand Two Hundred Fifty Dollars (\$37,250.00) to purchase and equip a new Police Cruiser.**
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 6-1)

A motion was made by Selectman Bill Stockman and seconded by Cheryl Marisseau. Selectman Stockman explained that every other year the Town replaces the oldest cruiser. This new vehicle will replace the oldest SUV with 120,000 miles on it. The proposed new vehicle is an all wheel drive sedan for \$27,000 with the additional cost for transferring and purchasing equipment needed. Police Chief Shagoury felt this vehicle would save on fuel and also save on maintenance costs. Someone questioned why the Town doesn't consider buying a Subaru Outback or like vehicle. Chief Shagoury

explained a vehicle like that has limited options for equipment. No further discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 9. To see if the Town will vote to authorize the Selectmen to enter into a five year lease/purchase agreement for \$420,065.00 for the purpose of obtaining a fire truck for the fire department and to raise and appropriate the sum of Ninety Thousand Three Hundred Ninety Three Dollars (\$90,393) for the first year's payment for that purpose to come from taxes and to raise and appropriate \$17,270.00 for additional equipment, such sum to come from Undesignated Fund Balance. The total cost for the Fire Truck and additional equipment is \$437,335.00. This lease/purchase agreement contains an escape clause.
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)**

A motion was made by Jack Widmer and seconded by Jim Allen to accept article 9 as read. Fire Chief Adam Thompson explained this new truck would replace a truck, which is 20 years old. The old truck currently has 19,800 engine hours and approximately 30,000 miles. It costs on average about \$5,000 each year for maintenance and each year it is getting more expensive. The new vehicle is a 2011 Spartan Metro with 1,000 gallons of water and sharper turn ability. One resident asked what it meant by an escape clause. Chief Thompson informed that if the Town misses a payment, the truck is taken. No discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 10. To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000.00) to be added to the Library Capital Reserve Fund.
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)**

A motion was made by Jack Widmer and seconded to accept article 10 as read. Selectman Sundquist stated that the library is working very hard at fundraising \$250,00 for the project and asked for on going support of the library-building fund. No discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 11. To see if the Town will authorize the Selectmen to enter into an Intermunicipal Agreement with Moultonborough and Wolfeboro and vote to raise and appropriate the sum of One Thousand Five Hundred Dollars (\$1,500.00) for the participation in the Milfoil Joint Board. This will be an ongoing project and any additional funds are expected to be added to the operating budget.
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)**

Tony Triolo made a motion to accept article 11 as read. The motion was seconded. Selectman Dan Duffy explained that this money would help to store and maintain the boats and allows the Town to enter into an agreement with Wolfeboro and

Moultonborough to work jointly. No discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 12. To see if the Town will vote to establish an Expendable Trust Fund pursuant to RSA 31:19-a, to be known as the Milfoil Eradication Expendable Trust Fund, for the purpose of milfoil eradication in any bodies of water within the Town of Tuftonboro, and to raise and appropriate the sum of One Thousand Dollars (\$1000.00) to be placed into this fund; further, to appoint the Board of Selectmen as agents to expend both principal and interest from this Fund.
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)**

A motion was made by Selectman Dan Duffy and seconded by Dan Marisseau. Selectman Duffy explained that this would allow seed money to get the Trust Fund started. Those who are most affected will be helped. The Basin is an especially bad spot. No discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 13. To see if the Town will vote to “Conditionally Layout” 2,550 feet of Zadede Farm Lane and Black Bear Run (Tuftonboro Farms Subdivision, phases 1 & 2) and to raise and appropriate the sum of Forty-Six Thousand Dollars (\$46,000) for the purposes of completing road construction in accordance with approved plans and Town standards, said sum to be paid for with \$22,300 the Town is holding from a called letter of credit in the Planning Board Escrow account and the remaining \$23,700 is to be raised from taxes and is to be repaid by the property owners (16) fronting on said roads through a betterment assessment as allowed by RSA 231:28 thru RSA 231:31. This article is submitted by the Selectmen as an alternative to petitioned article 14.
(Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 4-1-2)**

A motion was made by Dave Ford and seconded by Tony Triolo. Dave Ford addressed the article. Phase 1 and 2 of the project was completed to town specifications. The developer is insolvent and the approval was granted as an oversight. This would allow the \$22,300 letter of credit to be released and the 16 property owners will pay by a betterment tax. The Town could give the properties owners up to 10 years to pay back the money, but they will try to shorten the time period. One resident wanted to know what happens if only 8 out of the 16 lot owners pay the taxes. The Town would then own the lots for non-payment of taxes. No further discussion or questions. The Moderator asked for a show of hands to vote on the article. The article was declared passed.

- 14. (By Petition): To see if the Town will vote to “Conditionally Layout” 2,550 feet of Zadede Farm Lane and Black Bear Run (Tuftonboro Farms Subdivision, phases 1**

**& 2) and to raise and appropriate the sum of Forty Six Thousand Dollars (\$46,000) for the purposes of completing road construction in accordance with approved plans and Town standards, said sum to be paid for with \$22,300 the Town is holding from a called letter of credit and \$23,700 by the property owners fronting on said roads through a betterment assessment as allowed by RSA 231:28 thru RSA 231:31. (Majority vote required)
(Recommended by the Board of Selectmen 2-1 and the Budget Committee 7-0)**

Jack Widmer made a motion to accept the article as read. Paul Thornton seconded the motion. A motion was made and seconded to table the article. No discussion or questions. The Moderator asked for a show of hands to vote on tabling the article. All in favor.

- 15. To see if the Town will vote to raise and appropriate the Budget Committee recommended sum of Two Million Six Hundred Fifty Four Thousand Five Hundred Eighty Six Dollars (\$2,654,586) for General Town Operations. This article does not include any special or individual warrant articles. (Majority vote required)
(Recommended by the Board of Selectmen 3-0 and the Budget Committee 7-0)**

A motion was made by Jack Widmer and seconded to accept the article as read. Selectman Sundquist explained this year's budget is a reduction of \$181,000 from last year. Bob Murray questioned the reduction in fuel costs by 25%. A motion was made by Selectman Sundquist to amend the article to increase the budget by \$10,000 for government buildings. The amendment to the article was seconded. The new sum is \$2,664,586. All in favor. No further discussion or questions. The Moderator asked for a show of hands to vote on the amended article. The article was declared passed.

- 16. (By Petition): To see if the Town will vote to raise and appropriate up to the sum of \$7,500 to fund a formal study by an outside auditor to review and evaluate alternatives to the current Town Police Department organization and operation, in order to reduce current expenses and to maintain or improve Police service and coverage. The study options will include but not be limited to:**
- Police coverage by State Troopers.**
 - Police coverage by County Sheriff Department**
 - Police coverage by an adjacent town.**
 - Reduction in current Police staff and/or expense.**
- The study will recommend action by the Town of Tuftonboro based on cost and organizational effectiveness.
(Majority vote required)
(Not recommended by the Board of Selectmen 3-0 and not recommended by Budget Committee 4-1-2)**

A motion was made and seconded to accept the article as read. Richard Knapp addressed the article saying this article is not related to services of the police department but to look

at other options. A motion was made by Gary Chehames to temporarily table the article until the results of article 3 were available. The motion was seconded. All in favor.

A motion was made and seconded to move the article off the table. All in favor. Bill Frago stated he has only had positive interactions with the police. Guy Pike said their needs to be more public relations. Marty Garabedian stated we should have faith in our selectmen and department heads and not micro-manage departments. He felt this study was a waste of money. Rick Friend made a motion to move the question. The motion was seconded. All in favor. The Moderator asked for a show of hands to vote on the article. The article was defeated.

17. **To transact any other business that may legally come before this meeting.**

A motion was made by Rick Friend to reconsider article 3. Susan Ahern seconded the motion. The Moderator explained that no action would take place tonight since due to a bond issue the Town must wait at least 7 days to reconvene. The question was asked if article 4 could be reconsidered. The Moderator answered "yes". The continuation of the Town Meeting to reconsider article 3 will be on Saturday, March 26, 2011 at 10:00 AM at the Tuftonboro Central School. A motion was made to move the question of reconsideration of article 3. The Moderator asked for a show of hands to vote on the reconsideration of article 3. The reconsideration of article 3 was declared passed by a vote of 75 YES and 47 NO. Several people expressed dissatisfaction with the process. Allen Blazick felt that the Selectmen should notify every registered voter about the date and time of the reconsideration vote.

A motion was made by Tina Antonucci to reconsider article 15. Bill Marcussen seconded the motion. After a brief discussion, the Moderator asked for a show of hands to vote on the reconsideration of article 15. The reconsideration of article 15 was defeated.

Eric Roseen congratulated Maryann Murray who is retiring after 25 years as a swim instructor and head of the swim program for the Town. Guy Pike stated he would like the Selectmen to open their regular meetings with the Pledge of Allegiance. No further questions or discussion.

A motion was made to temporarily adjourn the meeting at 12:00 AM until Saturday, March 26, 2011 at 10:00 AM at the Tuftonboro Central School to reconsider Article #3. There were approximately 375 people in attendance.

Respectfully submitted,

Heather K. Cubeddu
Town Clerk
Town of Tuftonboro

TOWN OF TUFTONBORO
Annual Town Meeting Minutes
Reconsideration of Article 3 as Amended
March 26, 2011 – Tuftonboro Central School

Moderator Daniel F. Barnard, Jr. called this portion of the continuation of the 2011 Annual Meeting to order at 10:07 AM. The meeting was opened with a salute to the flag. The Moderator explained the voting card each voter received when they checked in at the meeting. Non-registered voters were identified by a show of hands. Housekeeping reminders were announced.

- 3. To see if the Town will vote to raise and appropriate the sum of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) for the purpose of building and equipping a Public Safety Facility including a major entrance with approval from the NH Department of Transportation for the remaining land and an exterior bathroom for recreational use. The Three Million Two Hundred Thousand Dollars (\$3,200,000.00) of such sum to be raised through the issuance of Bonds or Notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; to authorize the Selectmen to apply for, obtain and accept federal, state, or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof. (Note: Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee). (Recommended by the Board of Selectmen 3-0 and not recommended by the Budget Committee 4-3) (Secret Ballot with two-thirds vote required)**

The Moderator read the article, which included the amendment. A motion was made by Selectman Carolyn Sundquist and seconded by Ann Hackl to accept the article as read. A motion was made by Selectman Carolyn Sundquist to amend the article from \$3,200,000 to \$2,986,000 with the rest of the article remaining the same. Selectman Dan Duffy seconded the motion. Selectman Sundquist explained that the building committee met this past week to find some cost savings by eliminating square footage from 14,000 sq. feet to 13,465 sq. feet. No discussion or questions on the amendment. The Moderator asked for a show of hands on the amendment to article 3. All in favor of the amendment to article 3.

John Simms voiced his concerns about the layout of the building proposed. Some of the concerns are the lack of bunkrooms, lack of storage, smaller than practical meeting room and it seems improper to add an outside bathroom for Parks & Recreation. Mr. Simms also voiced his concern about the cost of the building and encouraged a no vote on the article until the Town can get it right and complete next year with a well thought out plan and acceptable cost.

George Noyes expressed his concern about how the reconsideration was handled. Joe Ewing made a motion to move the article. The motion was seconded. All in favor of

moving the article. The Moderator allowed those at the microphones a chance to be heard before the article would be voted on. Jon Beaulieu said he was concerned that the town's police and fire departments are not in compliance with OSHA standards. Glenn Cordelli expressed disapproval about the reconsideration process and Barry Ennis said the town has one opportunity to build a new public safety building and the town should do it right with the right location, the right time and for the right amount of money. Mr. Ennis did not feel people could afford to pay extra taxes these days.

The Moderator re-reads the article with the approved amendment. The voting started at 10:48 AM. Voting would remain open for one hour. At 11:48 AM the voting for article 3 was closed. The Moderator waited for the ballot clerks to tally the number of votes cast. The results of the vote on the amended article 3: 268 YES (43%) and 354 NO. There were 622 votes cast.

A motion was made by Glenn Cordelli to adjourn the meeting. The motion was seconded. The Moderator asked for a show of hands for all those in favor of adjourning the meeting. The meeting was adjourned at 12:00 PM.

Respectfully submitted,

Heather Cubeddu
Town Clerk
Town of Tuftonboro