

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF WATERVILLE VALLEY, NEW HAMPSHIRE
MARCH 11, 2014**

PRESENT: Moderator Kevin Saba, Selectman William Larsen, Selectman Margaret Turner, Selectman William (Mike) Aronson, Town Manager Mark Decoteau, Town Clerk Assistant Sharon Charron, and Community Members.

Moderator Saba called the Town Meeting to order at 3:00pm and reads the posted 2014 Town Meeting Warrant of the town of Waterville Valley.

Waterville Valley students Ellie Knight and Emma Knobloch lead the Pledge of Allegiance.

Moderator Saba introduces veteran Town Clerk Pat Kucharski who speaks in remembrance of the late Bruce Saenger, who served in the position of Moderator for many years. She leads the community in a moment of silence for Bruce Saenger. Moderator Saba thanks Pat Kucharski for her 10 years of service in her position as Town Clerk, as she is retiring.

Moderator Saba reviews the handouts on Town Meeting Rules of Order and introduces “kevin’s rules”. He reviews the rules for voting during the meeting, as the polls will remain open until 7:00pm for the election for the State Special Election and Town/School Officials Election. He requests that all cell phone be turned to silent mode. He requests that any amendments to the articles presented here today be written when submitted to ensure correct wording. Moderator Saba introduces the head table, and Mark Decoteau introduces the Town employees present.

Article 1 will be acted on by official ballot and the polls will remain open until 7:00pm.

Article 1 To elect for the ensuing year the following Town Offices which appear on the official ballot: Selectman (Three-year term), Town Clerk (Three-year term), Moderator (Two-year Term), Supervisor of the Checklist (Six-year term), Supervisor of the Checklist (Four-year term), Library Trustee (Three-year term), and Trustee of the Trust Funds (Three-year term).

Motion: To dispense with the reading of the warrant articles by the moderator for the remainder of the meeting.

Motion: Mike Aronson

Seconded: Bill Larsen

Discussion: None

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 2?

Article 2

Motion: I move that the Town will vote to raise and appropriate the sum of Two Hundred Thirty-Five Thousand Dollars (\$235,000) for the purpose of

constructing a new Public Works garage and to authorize the issuance of not more than \$235,800 of bonds and notes in accordance with the provisions of the Municipal Finance Act (RSA 33); and to authorize the Selectman to issue and negotiate such bonds or notes and to determine the rate of interest thereon. The Selectman Recommend Approval. (2/3 Ballot Vote Required) (Amount NOT Included in Article 8)

NOTE:

Motion: Bill Larsen

Seconded: Margaret Turner

Moderator: Please note that the Selectman recommend approval of this article and that this amount is not included in Article 18. This vote must be by ballot and the polls will be open for one hour from the time we begin to vote. We can conduct other business during this hour. A 2/3 majority vote is required to pass this article. Also note that this authorization will be combined with \$564,200 previously authorized at the 2011 Town Meeting for the construction of a Public Works garage. The total proposed construction cost for the garage is \$800,000. The Town Manager, Mark Decoteau, has a short presentation on the project.

Mark D. : Town Manager Mark Decoteau presents maps and information pertaining to the project which has taken place over the past few years. The proposed 4-bay garage will be built into hillside adjacent to the Transfer Station/Recycling area and will house the municipal trucks, offices, storage and vehicle maintenance bay. The project was put out to bid last summer and three bids were received, with the low bid being \$771,000 from Construx in Plymouth. The amount was updated in January 2014 to \$777,000, which leaves \$23,000 to be allocated as contingency funds.

Discussion: Sandy Larsen asks if the amount approved in 2011 was bonded? Mark answers that no, it was authorized but it was never borrowed or bonded. It will be borrowed and bonded this year if the article passes today.

Bob Fries asks if there will be access to upper levels from the top side? Mark answers that yes, there will be access by a mezzanine level from the rear of building.

Bob Guilbert states that the Planning Board is supportive of the project. The roll of the Planning Board in the CIP was described and involves infrastructure and vehicle needs.

Mike Koppel asks if Town Funding was considered as opposed to Bonding to alleviate any fees? Mark answers that under the provisions of the Municipal Finance Act, the only fees are the interest rate on the amount borrowed. And there are no other fees other than attorney fees.

At this time Moderator Saba closes the discussion and re-reads Article 2 and reviews the written ballot process. Polls open at 3:30pm for the ballot vote for one hour. There is a 10 minutes recess to allow for ballots to be cast.

Moderator: Do I hear a motion for Article 3?

Article 3

Motion: I move that the Town raise and appropriate the sum of One Hundred and Eighty thousand Dollars (\$180,000) for the purpose of purchase of a new Ambulance for the Department of Public Safety and further to fund this appropriation by authorizing the withdrawal of this amount from the unexpended and undesignated fund balance as of Decmeber 31, 2013. No amount will be raised by general taxation.

Motion: Margaret Turner

Seconded: Mike Aronson

Moderator: Please note the Selectman have recommended approval of this article. And also please note that this amount is not included in Article 8. Chris Hodges, Director of Public Safety speaks to the needs for the ambulance.

Chris Hodges: The current ambulance is 10 years old, and it has reached its projected life of service. It has become increasingly expensive for maintenance.

Discussion: Mike Rathgeber asks if the the equipment will be the same or better. Chris answers that it will be the same with upgrades.

Cyndy Piekos ask what makes an ambulance an ALS Ambulance? Chris responds that it the new ambulance will have advanced ALS equipment which will be utilized by our staff paramedics. These advanced items include life saving equipment (both monitoring and advanced intervention) and as well as drugs. This is important due to the distance from the Speare Hospital, and others depending upon the procedure being needed.

Mark Decoteau, Town Manager, points out that this Article, as well as 2 others, are coming from the unexpended and undesignated Fund Balance. Mark explains the Fund Balance comes from the budget being underspent from preceding years.

No further discussion.

At this time Moderator Saba re-reads Article 3. The vote can take any form and a simple majority is required for approval. The Moderator ask for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 4?

Article 4

Motion: **I move that the Town will raise and appropriate the sum of Ninety Thousand Dollars (\$90,000) for the conduct of a Pedestrian Village Revitalization Study including but not limited to: a review of zoning and land use issues; roadways, sidewalks, trails and paths; public transportation; parking; and potential outside funding sources. This amount is not included in Article 8.**

Motion: Mike Aronson

Seconded: Bill Larsen

Moderator: Please note the Selectman have recommended approval of this article. And also please note that this amount is not included in Article 8. The Planning Board Sub-Committee has a presentation on the project which will be made by Wendi Rathgeber.

Presentation: Wendi Rathgeber addresses the group and explains the need for the project and refers to the handouts available and to the large displays on the project. She discusses the importance of the study to the Planning Board in proposing zoning changes for the best interest of the town to facilitate orderly development.

Discussion: Wendi asks if there are any questions?

Stan Piekos asks for references and/or other projects the VHB and SE group has been involved with? Answered by VHB and SE Group Representative, Mark Kane, that their past projects involve mainly mountain resort communities, for example Crested Butte, Silverthorne, Jackson Hole, and Red Lodge, with similar issues and needs.

Dorothy DiBona: Asks if the land being studied is town or privately owned? Answered by Wendi Rathgeber that the town center is privately owned land. The development of this land is inevitable, and the Town wants to be sure the type of development is inclusive of keeping with the Master Plan of WV in creating a core area and establishing the proper zoning regulations to support the Master Plan.

Aggie Guilbert states the way it was explained to her, that this is a chance for the Town to step in and set the best policies for the future development.

Ray Kucharski, Chairman of the WV Planning Board, comments that this is very important to the town, and will aid the Planning Board in making decisions concerning future applications before them. He thanks the committee members for their work the past year.

Jonas Stein asks if the Town has the authority to impose Zoning regulations. Answered by Bill Larsen, that yes, if the Town votes them into to place they can be changed.

Bob Fries comments that he has worked with SE Group in the past and they are very good at what they do.

Bob Guilbert comments that this study not only concerns the town core parcels of land, but also other facets of the town including parking, biking/hiking trails, traffic studies, lighting studies, etc.

Cyndy Peikos comments as a Planning Board member, that this study assists the PB by giving them information on what zoning regulations need to be changed by the Town in advance of future development in this area of town, which is inevitable.

Mike Rathgeber asks what would happen if we do nothing with regards to zoning changes. Bill Larsen answers that if we nothing, the current Zoning Regulations are in place and any application must meet those regulations. He adds this study is important because when the Planning Board making a decision, they must abide by the current regulations. As long as an application meets the regulations in place and submits the required documents, it will be accepted as long as it meets the current regulations.

Charles Hastings asks if input from both residents and non-residents will be solicited? Wendi answers that yes, it would involve everyone; residents, 2nd homeowners. Follow up by Mark Kane stating that the process to change zoning regulations is involved and will take place at different times of the year in order to include the whole community.

Mike Koppel asks for clarification regarding Zoning changes and who is eligible to vote on them. Town Manager Mark Decoteau answers that only voting residents can vote upon Zoning changes.

Sidney (didn't get her last name) asks if current applications or projects would be subject to the potential changes not yet in place? Mike Aronson answers that it is not likely, but it could happen dependent upon what was involved.

Dorothy DiBona asks why the zoning needs to be changed? Bill Larsen responds it is not as much of a zoning district change, as it pertains more so to the rules within the districts; green space, parking lots, etc. as opposed to what type of a building.

John Palmieri asks if this project would identify the goals of the town and what it should be? Mark Kane answers that the Master Plan has the goals outlined and part of the process is to review the Master Plan and make recommendations for changes based on the needs and wants of the residents today.

Sandy Larsen motions to call the question.

Moderator: We have a motion to call the question and end the discussion. The Moderator ask for a show of cards for approval, and disapproval. He determines the motion to cal the question for a vote passes.

At this time Moderator Saba re-reads Article 4. The Moderator ask for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 5?

Article 5

Motion: I move that the Town raise and appropriate the sum of Seventy Five Thousand Dollars (\$75,000) for the replacement of the grinder pump at the Wastewater Treatment Plant. This amount is not included in Article 8.

Motion: Bill Larsen

Seconded: Margaret Turner

Moderator: Please note the Selectman have recommended approval of this article. And also please note that this amount is not included in Article 8.

Mark Dectoeau states simply that the grinder pump is part of the wastewater treatment process. The current grinder pump is the original from when the system was installed.

Discussion: No discussion. Mike Koppel motions to call the question.

Moderator: We have a motion to call the question and end the discussion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion to call the question for a vote passes.

At this time Moderator Saba re-reads Article 5. The Moderator asks for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 6?

Article 6

Motion: I move that the Town raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) for Public Safety Building Improvements at Town Hall and further to fund this appropriation by authorizing the withdrawal of this amount from the unexpended and undesignated Fund Balance as of December 31, 2013. No amount to be raised by general taxation.

Motion: Margaret Turner
Seconded: Mike Aronson
Moderator: Please note the Selectman have recommended approval of this article. And also please note that this amount is not included in Article 8.

Presentation: Mark delivers an explanation of why the renovations are needed. He explains the funds would be used to renovate space to provide living/sleeping quarters, and shower/bathroom for overnight public safety department employees. Currently the Town rents a unit at the Golden Eagle to meet these required standards.

Discussion: Mike Koppel motions to call the question.

Moderator: We have a motion to call the question and end the discussion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion to call the question for a vote passes.

At this time Moderator Saba re-reads Article 6. The Moderator asks for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 7?

Article 7

Motion: I move that the Town vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be added to the Corcoran Pond Dam Capital Reserve account and further to fund this appropriation by authorizing the withdrawal of this amount from the unexpended and undesignated Fund Balance as of December 31, 2013. No amount to be raised by raised by general taxation.

Motion: Mike Aronson
Seconded: Bill Larsen

Moderator: Please note that the Selectman recommend approval of this article and that this amount is not included in Article 8. The vote can take any form and a simple majority is required for approval. Also please note that the polls will be open for another 10 minutes for the ballot vote on Article 2. If you have not yet cast your ballot and wish to do so, please do so in the next 10 minutes.

Presentation: Mark Decoteau explains that the Town has been working with an engineer to do work on the Corcoran Pond Dam. The Capital Reserve account was created to be used when a final plan is presented. The Town is working with DES as well to be sure everything done is DES compliant. By funding the Capital Reserve account we are showing the State of NH/DES with are committed to making necessary modifications to the Corcoran Pond Dam when they are required.

Discussion: No Discussion.

Mike Koppel motions to call the question. 2nded by Bob Guilbert.

Moderator: We have a motion to call the question and end the discussion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion to call the question for a vote passes.

At this time Moderator Saba re-reads Article 7. The Moderator asks for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 8?

Article 8

Motion: I move that the Town raise and appropriate the sum of Three Million Six Hundred Ninety-eight Thousand and Two Hundred and Seventy Dollars (\$3,698,270) for General Municipal Operations. This Article does not include appropriations from any of the preceding articles.

Motion: Bill Larsen

Seconded: Margaret Turner

Moderator: Please note that the Selectman recommend approval of this article. The vote can take any form and a simple majority is required for approval.

Presentation: Mark Decoteau reviews the page numbers in the Town Report of the proposed Budget Summary (17-18), Revenues (16), Town Budget (23-27), Long Term Debt schedules (12), Debt by Dept. (13), and Capital Projects (13). He also references that the warrant and the Budget Form are in the middle section of the Town Report on colored paper (19-27).

Discussion: Stan Piekos points out that the Tax Liens in the collector's report has risen last year. Is it possible to covert this to revenues to offset the 13% increase in spending?

Mark Decoteau responds that the current year tax liens are the largest amount since 2002 for the Tax Lien total. He explains how it goes through cycles of increases and decreases. He also explains the lien process and notices to property owners and the Tax Collector's and Selectman's role in the process. He states that when a property is transferred or sold, all taxes must be paid, which clears any tax liens. Those who do have current Tax Liens do have payment plans in place.

John Palmieri asks why, if we have approved \$405K so far today, why has the FY2014 budget increased only \$233K over the approved FY2013 budget? Mark

responds that the unexpended and undesignated fund balance had been used for some of the warrant article items. These funds are from previous years tax dollars already collected and were unspent due to departments coming in under their approved budget.

Mike Koppel motions to call the question. 2nded by Bob Guilbert.

Moderator: We have a motion to call the question and end the discussion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion to call the question for a vote passes.

At this time Moderator Saba re-reads Article 8. The Moderator asks for a show of cards for approval, and disapproval. He determines the article passes.

Disposition: Motion passes by majority vote.

Moderator: Before I continue, I have the results for the Ballot Vote on Article 2. The vote is recorded as **63 YES and 4 NO**

Disposition: The Article 2 Ballot Vote passes by majority vote.

Motion: I move to limit reconsideration of all preceding articles and votes taken to this point.

Motion: Bill Larsen
Seconded: Margaret Turner
Discussion: No discussion.

Mike Koppel motions to call the question. 2nded by Bob Guilbert.

Moderator: We have a motion to call the question and end the discussion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion to call the question for a vote passes.

Disposition: Motion passes by majority vote.

At this time Moderator Saba re-reads the motion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion passes.

Disposition: Motion passes by majority vote.

Moderator: Do I hear a motion for Article 9?

Article 9

Motion: I move that the Town adopt the following warrant article:

- 1) **That the New Hampshire State Legislature join nearly 500 Municipalities in the county, in calling upon Congress to move forward a constitutional amendment that (a) guarantees the right of our elected representatives and of the American people to safeguard fair elections through the authority to regulate political spending; (b) mandate that no corporation, trade union, trade association or other artificial entity that has a financial interest in legislation or which is subject to regulation by Congress or the executive branch, participate directly or indirectly or through the retention of a lobbyist, in raising money for political campaigns or other election activity;**
- 2) **That the New Hampshire State Legislature call upon Congress to move forward a constitutional amendment prohibiting the practice of “gerrymandering” in federal elections, a practice that arbitrarily draws legislative districts in order to maximize the number of Congressional seats held by the party in control of each legislatures in a manner to prohibit proportionate representation;**
- 3) **That the New Hampshire congressional delegation support such a constitutional amendment;**
- 4) **That within 30 days of the approval of this article, the selectman shall transmit by written notice the record of the vote to Waterville Valley’s congressional delegation to Waterville Valley’s state legislators, and the President of the United States informing them of the instructions of their constituents.**

Motion: Margaret Turner

Seconded: Bill Larsen

Moderator: The warrant article was submitted by petition by citizens through Eric McLeish. This warrant article proposes that the Selectman convey to Waterville Valley’s elected representatives that Waterville Valley’s Town Meeting supported a constitutional amendment(s), both State and Federal that would; 1) Enable the overturning of the Supreme Court’s Citizens United’s decision allowing almost unlimited campaign contributions and influence by non-voters including Corporations and Special Interest Groups; and 2) Eliminate the practice of gerrymandering in favor of a bipartism effort.

Presentation: Eric McLeish delivers a short presentation on the petition and the reasons why it should be supported.

Mark Decoteau comments on Town Counsel’s recommendation is, if the petition article passes, that the Board of Selectman put a cover letter on the Town Meeting’s minutes regarding the vote taken, and not take a stand on the article themselves, unless they wish to do so, and do as directed by the petition to transmit written notice of the vote to the different entities mentioned.

Eric McLeish motions to amend the article into 3 sections for the purposes of voting, which would divide as follows:

Section 1-a, 3, 4

Section 1-b, 3, 4

Section 2, 3, 4

The Moderator asks for any discussion on the amendment, and there is none. Mike Aronson motions to call the vote. It is 2nded by Stan Piekos.

At this time Moderator Saba re-reads the motion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion passes.

Moderator: Now we can look at this article with 3 separate votes, and we will begin the discussion of Section 1-a, 3, 4.

Discussion: There is no discussion.

Mike Aronson motions to call the question. 2nded by Bob Guilbert.

Moderator: At this time Moderator Saba re-reads the motion with sections 1-a, 3, 4 of the petition article. The Moderator asks for a show of cards for approval, and disapproval.

Disposition: Motion passes by majority vote.

Discussion: Eric McLeish proceeds with his presentation on the next section of 1-b and states reasons to support the approval of the article.

Sandy Larsen asks who will oversee the process? Eric answers that it would fall under the Congressional Financial Campaign committee's responsibility to monitor regulation adherence.

Mike Koppel asks if this is an effort to eliminate all lobbyists? Eric responds that no, what it means is that lobbyist cannot go into a congressional office and propose legislation, and then later than day hold a fundraiser for that same congressional office member. Mike asks a follow-up question and gives an example of a situation which might be limited by the passage of this article.

Jean Mullen asks if this would pertain to, for example, the League of Women Voters holding a debate? Eric answers that this only pertains to fundraising activities by people for a political campaign who are also lobbying for a particular action in which that particular candidate is in support of or against, depending upon the situation.

Moderator: The Moderator asks for any further discussion, and there is none. Mike Aronson motions to call the vote. It is 2nded.

At this time Moderator Saba re-reads the motion. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion passes.

Moderator: At this time Moderator Saba re-reads the motion sections 1-b, 3, 4. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion passes.

Disposition: Motion passes by majority vote. A visual voice/card count total **YES 29 NO 10**

Discussion: Eric McLeish proceeds with his presentation on the last sections of the petition article, sections 2, 3, and 4. He explains the practice of gerrymandering in changing district lines to maintain controlling power of a party in control.

Aggie Guilbert asks if this amendment pertains only to NH? Eric responds that no, this request is a national one which would pertain to all states under the constitutional amendment the petition article is requesting.

Jeff Dropkin calls the motion for a vote, which is 2nded.

Disposition: Motion passes by majority vote.

Moderator: At this time Moderator Saba re-reads the motion sections 2, 3, and 4. The Moderator asks for a show of cards for approval, and disapproval. He determines the motion passes.

Disposition: Motion passes by majority vote.

Article 10 To hear the report of agents, auditors or committees of officers chosen and to pass any vote relative thereto.

Moderator: We do not have any reports of appointed agents, auditors or committees of officers established at previous Town Meetings. Are there any motions on this article? Hearing none, we will move onto the next article.

Article 11 Is there any other business to come before this meeting?

Moderator: Moderator Saba recognizes Marilyn Clarkson.

Presentation: Marilyn states she would like to make a motion. She motions to take a sense of the meeting vote to see if residents would favor a revision to our current leash law, Selectman's Ordinance #7, which redefine the meaning of "at large" to be NOT within the private property of the owner or keeper, and NOT under their control either by leash, cord or other similar type of physical connection. Marilyn continues to speak to the reasons why she believes that this change is needed.

Discussion: The discussion involved community members present was productive in aiding the Board of Selectman in future decisions concerning potential amendments to the current ordinance. There were people in favor of the revision and also those who were not. Examples of both pro and con situations were described occurring

in town on sidewalks, trails, parking areas, and other public locations. The discussion did give the participants ample time to express themselves. Also discussed was the number of complaints received by the Department of Safety in the past year, and whether or not all dog nuisances were reported, and if those reported were in the ownership of residents or non-residents, and how the ordinance would be enforced.

The motion is called for a vote, and it is seconded.

Moderator: At this time Moderator Saba re-reads the motion. The Moderator asks for a show of cards for approval, and disapproval. The vote is counted **YES 27** and **NO 15**.

Disposition: Motion passes by majority vote.

Moderator: Moderator Saba asks if there is any other business to be raised?

Discussion: Ray Kucharski asks the BOS if there is an update on the Stone Property Management case. Chief Noyes states that as of 3/7/14 the FBI is still working with bankruptcy attorneys and there are in the final stages of determining a loss number, which would relate to sentencing, which means they are very close to an indictment.

Marilyn Clarkson asks what happened to the \$406,000 which was appropriated at Town Meeting 2013 for purchase of the Stone Property Management property? Selectman Aronson answers the bankruptcy attorney approved a sale which did not allow for others to bid on the property. Selectman Larsen also commented that the authority for the Selectman to use these funds expired upon 1/1/2014.

Mike Koppel states that he understands that the sale of the Stone property is being contested and is there anything the town can do?

Selectman Larsen, along with Mark Decoteau, responds that since the authority of the Selectman has expired, it would take a special Town Meeting granted by the State in order to give the BOS back the authority to reappropriate these funds.

Motion: To adjourn the deliberative session portion of the Town Meeting.

Motion: Bill Larsen

Seconded: Mike Aronson

Disposition: Motion passes by majority vote at 5:32pm.

Respectfully Submitted,

Robert Guilbert
Deputy Town Clerk