

MINUTES
Goffstown Town Ballot Determination Meeting
February 8 - 9, 2006

There were 252 voters registered, out of 11,176 registered voters in the town.

Town Moderator Rodney Stark called the meeting to order at 7:05 p.m.

He recognized the Goffstown Police Explorers who served as the color guard and presented the colors. They were John Buttrick, Holly Southwick, Jason Parenteau and Jessie Yianakopolis. Their advisor is Police Sgt. Pierre Pouliot.

Moderator recognized David French, Parks and Recreation Director.

D. French - This is the 17th annual Clint Robinson-Lionel Cullerot Volunteer Award to be presented to one of our volunteers in the recreation community. (Called Bob Draper and Lionel Cullerot to the front).

First candidate for the award was Mark Cusson, who was involved in the parks and rec program as a coach - also involved in Goffstown Junior Baseball as a coach and a board member.

Second candidate was John Riehl, who used to play in the P & R basketball program. He's the president of Goffstown Jr. Baseball this year and was my son's first soccer coach.

Third candidate was a father-daughter combination - Stephe Ainsworth who was in our basketball program and is now involved in the girl's basketball program and her father, Tony.

The recipient of this year's Robinson-Cullerot award is a father and son team, Matt and Bob Ferson. Matt played in our basketball program and played on the GHS state championship team. He has volunteered to coach in the travel program, just like his dad.

Bob Ferson - I have been working with David in the parks and rec program for about 12 years. It has been a very rewarding experience. Something that impresses me the most is when kids leave these programs and years later they return and help with the programs. We thank you for this award.

Moderator recognized Gosset McRae, chairman of the board of selectmen.

G. McRae - The selectmen have long recognized the tremendous support that the town government gets from its volunteers. We have a volunteer government, and this year we've decided to institute a Volunteer Award.

We're giving this award for the first time to Henry Grady, who was unable to be here tonight. Henry began his service as a library trustee. He has been a school board member, a selectman, a member of the planning board and a member of the zoning board of adjustment, where he still serves. He's given forty years of service to the community.

We would also like to take time to recognize another individual who has served on several boards - Robert Wheeler. This is the last term that he will be serving as a

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selectman - he's retiring at the end of this term. He first became a selectman in 1970. It would probably be easier to list the boards that he hasn't served on.

R. Wheeler - I hope you can recognize that it's a tribute to Goffstown to have the ability to overcome my presence. It has been my delight and honor to serve.

Moderator - I'll now recognize our State Senator Lou D'Allesandro.

L. D'Allesandro - I have had the honor of serving with Rod Stark's father, who was one of the most truly dedicated civil servants that the State of New Hampshire has ever had, and a good friend. He was a distinguished human being, a man who, when he came to work, you knew he had the best interests of the people of this state at heart, and it's wonderful to see his son doing such great work in this town. It's truly an honor to be serving Goffstown in the State Senate.

I'm here to recognize one of your public officials who is really legendary in this community. At the school meeting he was recognized for 40 years of service as the school moderator. I'm honored to present this resolution to Larry Emerton. (Read from the resolution)

It's really an honor to see someone who has given 40 years of his life to public service.

L. Emerton - I want to thank everybody. I told the school district meeting the other night, I was first the moderator at the Upper El when the total school budget was \$600,000. The other night it was \$33,000,000.

Moderator Stark introduced the head tables - at his left, Finance Director Janice O'Connell, Town Administrator Sue Desruisseaux, Selectman Phil D'Avanza, Selectman Bruce Hunter, Selectman Robert Wheeler, Selectman Barbara Griffin and Selectman Gossett McRae. At his right, Town Clerk Donna Bergeron, Town Scribe Marie Boyle and Assistant Moderator Larry Emerton.

Anyone who wishes to speak tonight please be sure to use the microphone and identify yourself for the record. Anyone wishing to make an amendment or request a written ballot, the Town Clerk has prepared forms which she has here at the table, which we ask that you use.

This is the 2006 Deliberative Session of the Goffstown Town Meeting. Goffstown is an SB2 town, going back to 1996 when the town voted to adopt SB2 - the Standardized Ballot Referendum System.

We are not voting to pass or defeat anything that comes before us tonight - the articles will be on the official ballot and they will be voted upon on March 14 in the high school and at the Bartlett Elementary School in Pinardville.

Articles 2 through 8 are planning and zoning articles which will be on the ballot and they will be voted on in March. Articles 9 through 35 are open for discussion, debate and amendment.

If amendments are properly offered, they will be discussed, debated and voted

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upon. If an amendment is adopted by the meeting, the article as amended, will appear on the ballot for voting on March 14.

With regard to amendments - please keep in mind that the purpose of the warrant is simply to place the subject matter before the voters. SB2 allows the same range of possible amendments which voters have always had. Amending appropriation items up or down is permitted, and so long as they relate to the general subject matter of the article, amendments can be voted upon.

All amendments must be presented in writing to the moderator. They must be moved to the floor and seconded and discussed. Following discussion, a vote will be taken on the proposed amendment, then discussion on the main article. There will be no vote on the article itself.

The previous question is a procedure that's the same as it was in traditional town meetings. A yes vote on a previous question means there will be no further discussion. A simple majority vote is required to pass the previous question and end the debate. A motion to vote the previous question is not debatable.

Five registered voters may request in writing a standing vote or division of the house, or for a secret written ballot.

A motion to reconsider can only be made by someone voting on the prevailing side.

Jason Sachs - For amendments, are there a certain number of people who have to sign?

Moderator - If you have an amendment, one person can do it.
I would ask for a motion to dispense with the reading of the warrant.

***Pam Manney so moved, seconded by Dan Cloutier. Motion passed.
It was also moved, seconded and passed to take each article in turn.***

Moderator - We will not be dealing with Article 1 tonight - we'll deal with that on March 14 - it's the election of officers.

ARTICLE 2 - Does anybody want me to read it? We will not be amending any of these planning and zoning articles.

Barbara Griffin - Articles 2 through 8 are planning and zoning articles. There have been two previous public hearings on these and they will be on the ballot in March. They are not subject to amendment.

It's articles 9 and thereafter that we are here tonight to determine how they will appear on the ballot. (Explained what the planning and zoning articles entailed).

Moderator - We'll begin with Article 9.(Read the article).

ARTICLE 9 - To see if the Town will vote to raise and appropriate for the operation, expenses and commitments of the town government, the budget approved by the Budget Committee in the amount of Sixteen Million, Three Hundred Sixteen

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Thousand, Two Hundred Twenty Dollars (\$16,316,220).

This budget will be predicated by estimated revenues in the amount of Seven Million, Eight Hundred Twenty-four Thousand, Six Hundred Twenty Nine Dollars (\$7,824,629).

The Sewer Enterprise Fund of One Million, Nine Hundred Twenty-Three Thousand, Four Hundred Twenty-Three Dollars (\$1,923,423) is included in this revenue amount and in the appropriations request in this article.

The EMS Special Revenue Fund of Three Hundred Ten Thousand, Nine Hundred Ninety-One dollars (\$310,991) is included in this revenue amount and in the appropriations request in this article.

The motion on the operating budget shall be the following, with only the appropriation amount subject to amendment: “Shall the Town of Goffstown raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant, or as amended by vote of the first session, for the purposes set forth therein, totaling Sixteen Million, Three Hundred Sixteen Thousand, Two Hundred Twenty Dollars (\$16,316,220)? Should this article be defeated, the default budget shall be Sixteen Million, Three Hundred Two Thousand, Four Hundred Eighty-Six Dollars \$16,302,486), which is the same as last year, with certain adjustments required by previous action of the Town of Goffstown or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13X and XVI, to take up the issue of a revised operating budget only.”

NOTE: This article (operating budget) does not include appropriations in any other warrant article.

Recommended by the Board of Selectmen and the Budget Committee.

Moderator recognized Sel. Wheeler.

R. Wheeler moved Article 9 to be placed on the ballot as printed, motion was seconded.

R. Wheeler - This budget represents a dollar increase over last year's budget of \$154,670. On a percentage basis, it's just over a 1% impact on the tax rate, which is anticipated to be a 12 or 13 cent increase per thousand. If you have a \$200,000 assessed value on your home, it would increase your annual taxes by about \$24.60.

There were two significant adjustments made in this budget by the selectmen after department head submission. The first and largest department volume is DPW. They had presented a budget for bridge repairs that would be outsourced to a contractor.

The selectmen felt that the approximate million dollar increase in the budget was too much, and we responded with a plan to construct the bridges in-house because there's an 80% sharing of expenses with the state in the bridge program. That reduced the cost of those projects and gives us a revenue that we would not otherwise have.

The second major cost gain was in the fire department. There was a proposed

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increase of five positions. The selectmen cut those and adopted a public safety proposal.

This budget reflects increases in the same things where you have increases in your home - electricity, fuel, insurance rates, etc.

This article represents a very modest increase in the budget - it's recommended by both the board of selectmen and the budget committee.

Moderator- Article 9 will appear on the ballot as it is here.

Moderator - **ARTICLE 10** - (read the article)

To see if the Town will vote to approve the cost items in the collective bargaining agreement between the Town of Goffstown by its Board of Selectmen and the International Brotherhood of Police officers, Local No. 371 representing the employees in the bargaining unit from the Police Department running through December 31, 2010 and to see if the Town will vote to raise and appropriate Forty Thousand, Two Hundred Seventy-Seven Dollars (\$40,277), such sum representing the additional costs attributable at current staffing levels paid in 2005. The estimated additional costs for 2007 over the costs in 2006 will be Fifty-Two Thousand, Sixty -Eight Dollars (\$52,068) The estimated additional costs for 2008 over 2007 will be Thirty-One Thousand, Two Hundred Eighteen Dollars (\$31,218). The estimated additional costs in 2009 over the costs in 2008 will be Twenty-Seven Thousand, Seven Hundred Eighty-Seven Dollars (\$27,787). The estimated additional costs in 2010 over the costs in 2009 will be Thirty-Three Thousand, Four Hundred Ten Dollars (\$33,410). The cost items for future years will be included in the operating budget. (This appropriation is in addition to Article 9)

Recommended by the Board of Selectman and Budget Committee.

Moderator recognized Selectman D'Avanza who moved the article and it was seconded.

P. D'Avanza - This is a five-year contract agreement, the same as the current contract. There's a restructured cafeteria plan which makes it more equitable and helps offset the health insurance increases. This is recommended by both the selectmen and the budget committee.

Collis Adams - I have a general question. If all of these articles go onto the ballot with the amounts recommended here, what will be the total tax impact if they all pass?

P. D'Avanza - On the front of the voters' guide it gives that information.

C. Adams - In the box it states that it doesn't include the petitioned articles.

R. Wheeler - Many of the petitioned articles have not as yet been explained to the board of selectmen or their financial connotation detailed. We can make that calculation after the action this body takes tonight.

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For those articles before we get to the petitioned articles, it's an 18 cent increase on the tax rate.

Liz Dolan - This budget includes the change you decided to make with the fire department and the police department, right? If that isn't approved by the voters, what will the costs be then?

I remember that there was a petitioned article to put in a light downtown that we need, and the selectmen said there was no money in there. So if we vote to keep the fire department the way it is, is it already done because you guys have made the financial decision?

R. Wheeler - It's difficult to answer you because there are a variety of issues that have an impact. There are several petitioned articles that are the same. I have no idea what this meeting will do with those.

The reality is that the budget that we put forth contains an 18 cent increase. After the election in March we will know what the final result is, but depending on what we hear for an explanation, the selectmen will be hearing that for the first time, too. The budget as it is, contains that 18 cent increase.

L. Dolan - That doesn't help. Should we decide at this meeting about what to do about the fire station so we can put it in the budget because I think the budget people have the most control, especially concerning that traffic light which never appeared that I think we really need.

Moderator - I interpret that as a comment because each article will have its own individual impact.

James Kennedy - If the current budget article doesn't provide funding for some of these things in here and it passes, will it be funded and if so, how?

R. Wheeler - I think there needs to be an understanding that in New Hampshire, we are not a home rule state. The authority we have as a board of selectmen - the authority that the budget committee has - all the authority you have as a legislative body - it's quite specific.

If one of those articles goes beyond the law, you act because that's how you feel, but the law says you can't do that. Then the board of selectmen cannot act from the meeting on what you've voted, if you've voted without authority.

Some people may think the board of selectmen isn't doing what you ask them to do. I think we need to stay within the constraints of the law. Some petitioned articles do and some don't. We'll discuss those articles as they come up.

Dick Gagnon - Can we revisit article 9 at the end of the night, because if we modify some of these articles so there will be an increase in the budget - like let's say the safety department gets modified - the fire chief gets paid for the rest of the year - can we

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go and revisit and put that \$77,000 back into article 9? So the fire department isn't cut anymore?

S. Gross - How is this germane to article 10?

B. Griffin - Article 10 is the contract that has been negotiated with the police union. Generally speaking, this is no different than what we've always done.

You have a number of articles before you tonight that may increase or decrease the budget. We've done it every year. For example, Main Street. If there are amendments made during the course of the meeting and if they are passed and if they can be legally acted on after passage, they will have a corresponding impact on the taxes that need to be raised.

If they're increased, it means if the action has been legal and selectmen have the authority to act on that vote, the taxes will go up. If they're decreased the taxes might go down. The article on the floor is article 10.

Pam Manney for Votesmart - Clarification regarding bringing something up again. Do people here have the ability to bring up under reconsideration at the end of the night under Roberts Rules of Order, which I believe we work under?

Moderator - Yes - there's a procedure for restricting reconsideration - that motion can be made at anytime during the meeting.

(Article 10 will appear on the ballot as printed).

ARTICLE 11- (read it)

“ To see if the Town will vote to approve the cost items in the collective bargaining agreement between the Town of Goffstown by its Board of Selectmen and the Teamsters Local 633 of New Hampshire, representing the employees in the bargaining unit from the Department of Public Works, running through December 31, 2010 and to see if the Town will vote to raise and appropriate Thirty-Five Thousand, Five Hundred Eighteen Dollars (\$35,518); such sum representing the additional costs attributable at current staffing levels paid in 2005. The estimated additional costs for 2007 over the costs in 2006 will be Twenty-Five thousand Nine Hundred Four Dollars (\$25,904). The estimated additional costs for 2008 over the costs in 2007 will be Thirty-Six Thousand, Twenty-Two Dollars (\$36,022). The estimated additional costs in 2009 over the costs in 2008 will be Thirty-Two Thousand, Forty-Seven Dollars (\$32,047). The estimated additional costs in 2010 over the costs in 2009 will be Forty-Nine Thousand, Six Hundred Fifty-Nine Dollars (\$49,659). The cost items for future years will be included in the operating budget. (This appropriation is in addition to Article 9).

Recommended by the Board of Selectmen and the Budget Committee.

Moderator recognized Selectman McRae who moved the article to the floor - it was seconded.

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G. McRae - This is very similar to what Selectman D'Avanza just said - this is also a five-year agreement with the Teamsters Union. We've restructured the health plan and the cafeteria plan to make the plan more equitable. Also, one of the bonuses - there's an annual safety bonus for safe practices, resulting in no workers' compensation or property liability claims, and an annual adjustment as follows: 4%, 4%, 3%, 3%, 4%.

Karen Battey - Is that why we can't afford a Fire chief with these bonuses in here?

G. McRae - Frankly, it's not the bonuses, it will help people get over that hump - they understand the problems with the health plan, and in this bargaining unit it just makes it a little easier for them for their family budgets. It amounts to only about \$35,000.

(Article 11 will go on the ballot as printed).

Moderator - **ARTICLE 12** (Read it).

“To see if the Town will vote to raise and appropriate the sum of One Million Eight Hundred Twenty-One Thousand dollars (\$1,821,000) for the purpose of implementing the current phase of the road Improvement Plan. The road improvement plan has been a part of the CIP process since 2002 and annual appropriations for the plan have been approved as Special Articles since 2002. This article is designated as a Special Article pursuant to RSA 32:3,VI (d). (This appropriation is in addition to Article 9).

Recommended by the Board of Selectmen and the Budget Committee.

Moderator recognized Selectman Hunter who moved the article - it was seconded.

B. Hunter - This is the fifth year of a multi-year Road Improvement Plan. This is \$44,000 less than last year's request. The basic premise of the road program is that it is more cost efficient to maintain roads than to rebuild roads. Therefore, the program's goal is to rebuild roads which are below the acceptable level and then maintain the acceptance level to reduce costly rebuilding of roads. As the years go by, the town should spend less on reclamation and more on maintenance, thereby having a positive effect on roads and the road budget.

We need to stay the course to correct the roads and bring them all up to standard.
(Article 12 will go on the ballot as printed).

Moderator - **ARTICLE 13** (read it).

“To see if the Town will vote, pursuant to RSA 162-K-1, to adopt the provisions of RSA 162-K, relative to Municipal Economic Development and Revitalization Districts, so that the Town will thereafter have all the authority,

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powers, duties and responsibilities set forth in that chapter.
Submitted by the Board of Selectmen.

Recognized Sel. G. McRae who moved the article - it was seconded.

G. McRae - I'm going to talk about articles 13, 14 and 15 because there are three steps to implement this program. It may sound like a planning article, and it started there.

The board has been trying for a long time to get more commercial and industrial tax base in Goffstown. We have roughly 90% residential tax base. We have also sensed some interest in developing the Mast Road corridor between Henry Bridge and the Shell station. If that happened, we would have terrible congestion on Mast Road, or the taxpayers would have to develop another road. There's a program called the Tax Incentive Financing plan. We can use the money in a district to build a feeder road that would run parallel to Mast Road.

If we as a town pass these three articles, we have to pass all three for this to work, it will enable us ultimately to build the pieces of that feeder road that don't get built by a developer. The planning board will tell people they have to put in a strip of road in the back. Not all of those roads will be developed. This will give us the money in town to connect them all and make it feasible. All of this should be able to happen without having it hit us with a big tax increase.

Jason Sachs - I notice that this area is pretty much like last year's flex zone. Could somebody explain why that little area between Henry Bridge Road and the police station are shown, even though they're not a part of the flex zone?

G. McRae - That's the county land - if we make a road come in and tie in, we need a little piece of that corner.

J. Sachs - I'm offering an amendment to article 14.

Calvin Pratte - All the references I have to the RSA's in here - can we have that entered into the record?

G. McRae - You have until March 14. I believe it's on our website, so you can read it at your leisure. It says that any city or town may adopt this chapter and have all the duties and responsibilities set forth. We'll make sure this is on the website. We also have hard copies in the planning office.

Ben Essig - Who's going to pick up the tab on the maintenance and utilities that will be part of this - sewers, water, etc.?

G. McRae - What this will get for us without an impact on the tax rate, is a new road. Once we accept a road, like any other road in town, we'll plow the road - there

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might be some drainage.

The concept is we would be far better off having a road there rather than having Mast Road crowded anymore. The situation with this district is, you can't do it after the development starts. It doesn't cost us anything to sit there.

B Essig - So back to the services - will we be paying for the services there, like water, electricity, etc.?

G. McRae - When a site plan is approved by the planning board, all the specific utilities that serve that site are looked at, but usually a developer pays for the utilities that serve that site. We will not be paying for water or electricity.

We will be paying for segments of the road that will not be built by the developer. We'll do that with the TIF money. that we've set aside, rather than coming here to you for it. We will need your permission to spend that money.

N. Campasano - I would like to say, as a community with a 92% residential tax base, this is a good proposal.

One of the unfortunate features of community budgets is when you put money into infrastructure, you usually bond it. This would allow us to pay for infrastructure. This is a good proposal to bring the commercial/industrial tax base into our community.

Phil Tatro, chairman of the Economic Development Council - This district will be set up temporarily until this area is fully developed. At that point, the district - the tax revenue from it - would go back into the general fund.

This is just allowing the infrastructure to be built. Once it's complete, all the tax money generated from this area will go back into the general fund.

Hank Boyle - To make this clear - I understand the development and putting the road behind it. Is that road going to run behind private homes? There are several private homes along there.

G. McRae - I think the road will be much further back than the homes. The answer is yes - when it comes to those vacant lots, we will be looking to run the road along the back of the lot. This will be back up against the hill as it begins to rise. There will certainly be enough room to maintain a single-family home along that area.

H. Boyle - But we will have to take land from private landowners? (Answer was yes).

Julie Grandgeorge - I would like some clarification on the funding part. Will this be built with town money and the town will be reimbursed later?

G. McRae - No, the expectation is that as developers come in to develop in this area on the back of their lots, the planning board will require that they put in a strip of

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road. This fund will have grown as these strips are put in. This will give us money that will fill in those little sections where they won't be paved.

As Hank said, there are some private residences there - but the expectation is, if the person developing the site comes along, we will require that they build a strip on the back of their property.

J. Grandgeorge - I would like to make a comment on something. I have heard about development on Tatro Drive. The master plan said that the road should be connected to the end of town property. I was told at that time that the area was too wet and too rocky, or something like that.

I'm in favor of this, but I'm frustrated that it's always the corridor that gets looked at. It will require a lot of blasting there. If the selectmen would actually survey the town, there are many, many areas that would be better for development.

I would like the selectmen to walk these properties and take a look at them before they start putting in a commitment for money.

What does that section of town have as utilities? Will developers have to bring those in? It's likely they will have to go through the ledge and wetlands.

G. McRae - This came out of the corridor study. It might have been too early for the group at that time. It's not particularly late now. It would be prudent to expect that area to grow because it has the traffic count - the sewer does run right through there. That area in general has power. It doesn't have water throughout the whole area but does have water in a lot of it. It should be attractive to a developer.

One of the things we don't have in Goffstown is a lot of industrial land. It's either wetlands or ledge. I think that's something we have to consider. Will this actually happen? We don't know. We think it will.

J. Grandgeorge - I hope the town keeps in mind that there are buffer requirements in the flex zone. And Tatro Drive has been available for quite a long time now. Maybe your hopes are well-founded.

Dick Georgantas, planning board chairman - This is a tool for the planning board to use. It's an essential tool, which helps us, as development comes along Mast Road. That property's value is not in residences. As Gossett said, there's sewer, the water is there. We think it's one of the key areas that will be developed. Back when I was on the Economic Development Council, we saw some places developed in that area.

At every planning board meeting, we hear about the traffic on Mast Road. This is how we'll control it. We don't want curb cuts every other lot. The way to control that is to put in a feeder road. When people come in, we can say that this is a TIF district. It's really a good idea and I hope you'll support it.

P. Tatro - Last year we voted to rezone that area as a flex zone - this is the second part of that. I urge you all to go online and read the corridor study. It gives us a 20-year look at that area.

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(Article 13 will to on the ballot as printed).

Moderator - **ARTICLE 14** - (read it).

“Assuming the adoption by the Town of Article 13, to see whether the Town will vote, pursuant to RSA 162-K:3 and 5, to resolve that the adoption and implementation of the Mast Road Tax Increment Financing (TIF) Development District Plan will serve a public purpose, as the same is contemplated in RSA 162-K:5, and to adopt the Mast Road Tax Increment Financing (TIF) Development District Plan.

Submitted by the Board of Selectmen

Selectman McRae moved the article- motion was seconded.

G. McRae - As I stated before, this is a series of three articles which have to be approved to put in this TIF district.

Jason Sachs - I have an amendment to offer (handed amendment to moderator).

Moderator read the amendment - **“To amend Article 14 to remove all portions of lot 6-39 (presently owned by Hillsborough County) from the proposed TIF district.”**

J. Sachs moved the amendment, seconded by Karen McRae.

P. Tatro - As part of the TIF committee, the public garden area that Jason is talking about is a part of the county land. That land is being looked at because, for Henry Bridge Road to be properly aligned and to make a four-way intersection there, it needs to be included.

We’re trying to have signalized intersections that already exist and very few curb cuts along there.

J. Sachs - I’m in favor of the TIF district as a whole, but I keep hearing we need more industrial and commercial land and I think it’s being overdone. There are some areas in our town that have value other than commercial and industrial. I think we’re lowering that value and I think this is one of the examples of that.

I would like to know the potential tax impact if these gardens go to commercial or industrial land. I’m not in favor of that whole area being used for commercial and industrial property.

G. McRae - I hope that people will not vote for this amendment. We need that small corner of the property to make a road that aligns with Henry Bridge Road. There’s no interest in running this behind the police station and Malloy Ford.

We’re designating the lots by lot number, otherwise we would have to have survey crews there to carve out a portion of the lot.

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J. Sachs - I would like to point out that that's a portion of a much bigger lot. Maybe it would be appropriate to designate a portion of that lot.
If somebody could help me prepare a better amendment, I'd be open to it.

T. Wynne - As you're talking about this road, I'm sitting here saying, "OK, that's my yard."

Is this road a road you can just take and put on my land? Is this a Judge Souther thing where you say we want to put a road on your land and we're taking it?

G. McRae - This is not just a thing giving us greater rights by eminent domain. I understand what you're saying, but when that year comes, I would point out to you that you will have a very valuable piece of land.

Implementing this district gives us no greater right to eminent domain.

T. Wynne - Is the game plan to buy the land where you're putting in the road?

G. McRae - Yes. If we take land by eminent domain, we're still paying for it.

I suppose that the taxpayer part of me hopes that this will happen quickly. This would take some time. I think we should have done this before the Shell station was built, but we didn't.

But it won't give us any greater eminent domain rights.

Vote on the amendment - amendment was defeated by nos much louder than yeas.

Moderator - We'll go back to the main article. (There was no further discussion).
(Article 14 will go on the ballot as printed).

Moderator - **ARTICLE 15** - (read it)

"Assuming the adoption of the Town of Article 14, to see whether the Town will vote, pursuant to RSA 162-K:5 to create and establish the Tax Increment Financing District described in the Mast Road Tax Increment Financing (TIF) Development District Plan and, in addition to establishing the district, establish the development program and tax increment financing plan more particularly set forth in said plan."

Submitted by the Board of Selectmen.

Sel. McRae moved the article, and it was seconded.

G. McRae - I don't wish to discuss this unless somebody has a question. (Nobody did).

(Article 15 will to on the ballot as printed).

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Moderator - **ARTICLE 16** - (Read it)

“To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) to be deposited into the Grasmere Town Hall Capital Reserve Fund and furthermore to appoint the selectmen as agents to expend from the Grasmere Town Hall Capital Reserve Fund as provided by RSA 35:15. (This appropriation is in addition to Article 9).

Recommended by the Board of Selectmen and the Budget Committee.

Sel. D’Avanza moved the article and it was seconded.

P. D’Avanza - Last year the voters approved the establishment of the Grasmere Town Hall Capital Reserve Fund and deposited \$100,000 into it. That was the first year of a three-year plan in CIP.

This is to approve ADA compliance for that building. There’s a display on the side there, if you care to look at it.

We did the specs and have had design plans done by an architect with a grant. This year we’re asking for your support for the second year to raise and appropriate the second year’s \$100,000 and to authorize the Selectmen to spend from these funds. This way the selectmen won’t have to come before you every year.

N. Campasano - I’m a little puzzled. Last year Article 20 to establish this fund was a separate article from article 21 which appointed the selectmen as agents.. Why, instead of educating the residents as to why the selectmen should be the agents, why were both of these put into one article so individuals have to choose between allowing the selectmen to be agents and adding another \$100,000.

Article 21 last year did not pass by the voters - they voted not to allow the selectmen to be the agents.

P. D’Avanza - That’s correct.. We just added them to the article this year.

N. Campasano - I’d like to amend that article, removing allowing the selectmen to be the agents. It was seconded.

Moderator - I take it, this amendment is an amendment to replace the article as it appears in the warrant, correct? (Answer was yes).

Read the amendment - **“To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000), to be deposited into the Grasmere Town Hall Capital Reserve Fund.”**

P. Manney, Votesmart - I have a question as to why this amendment is being put forth.

N. Campasano - As I stated earlier, the voters last year were given the opportunity

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to vote on both of these articles, one of which was to appoint the selectmen. I think it's incumbent upon the selectmen to educate the people as to why they should be agents.

I understand that the selectmen have a right to take a second bite of the apple, but this puts the voters in a dilemma - they have to choose between funding the capital reserve fund and appointing the selectmen as agents.

P. Manney - I'd like to ask the Board of Selectmen - if this amendment is adopted, how would that affect the process of the money being spent when the need arises?

P D'Avanza - Authorizing the selectmen as agents gives the selectmen the authority to accept grants, etc., and to spend matches for those grants. They won't give us grants if we say they'll have to wait until next year's town meeting. By voting this in, it allows us to spend the money as the grants become available. A lot of this money is donated money. There are people who would like to see this project to fruition.

Scott Gross - We did give the selectmen the authority to expend the budget of \$16 million dollars, but we don't want to give them the authority to spend a couple of hundred thousand dollars?

If we don't like what they're doing, we would have to have a special meeting in order to expend those funds. That's an expensive proposition.

That's why I would oppose this amendment.

Dick Georgantas - Seems to me the fear might be that they would be able to move that money around.

It's my understanding that the money spent from that fund can only go to the Grasmere Town Hall. They can only spend it on that - it's dedicated money.

J. Kennedy - I think this is a kind of back door entry to get authority that the town voters don't want you to have. I think in fairness to the voters, it should be separated.

R. Wheeler - I think the difficulty in this process is that we get yanked in different directions. I can share with you that when we go through the budgetary process, there's criticism on the other side both in CIP and in the budget process. How come we are not making progress faster, they ask.

A part of the connotation of these dollars is, unless they're matched by other money we cannot spend what's there. That's a condition that comes from the CIP process. We can make it so cumbersome that we will not make any progress.

I think this body needs to give somebody the opportunity to react to grants and matching dollars so that the project can go forward on something other than a once a year meeting vote.

I suggest that the article as it is written provides you with a board of selectmen - and I won't be serving on it. If you don't trust me, trust the other people. Give them the opportunity to do the work to complete that project.

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Vote on the amendment to Article 16 - amendment was defeated by loud nos with a few ayes.

Moderator - Back to the main article - (there was no further discussion).
(Article 16 will go on the ballot as printed.)

Moderator - **ARTICLE 17** - (read it).

“To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) for the purpose of purchasing an excavator. (This appropriation is in addition to Article 9).

Sel. R. Wheeler moved the article and it was seconded.

R. Wheeler - Currently the town rents an excavator - it helps the highway department do some road improvement projects that we found we would be unable to do if this same type of work was put out to bid to contractors because pricing has gone up and the cost of doing that work with contractors is more expensive than doing it within the department. It's the excavator and a very small crew that allows us to do that kind of work. Renting the excavator costs about \$50,000 a year; to buy it costs \$100,000 and we'll have it.

I'd like to explain what we did with the \$100,000 in this article - we removed \$100,000 from the road improvement article.

Mark Lemay - As I heard Sel. Bruce Hunter read article 12, I thought the said the excavator was in there. Is that money in both places, articles 12 and 17?

R. Wheeler - The answer is no. What I said a moment ago was we reduced the road improvement article by \$100,000 to support it by this article, and we feel it was justified because with the purchase of the excavator, it allows savings in the road improvement account.

H. Boyle - Is that \$100,000 in addition to the \$44,000 that's in the explanation?

R. Wheeler - Yes, it's in addition.

Cathy Ball - I'm confused. It says this appropriation is in addition to article 9. My understanding is that this \$100,000 would be added to the operating budget, correct? (Answer was yes).

When it talks about the 18 cents increase, this project does not include petitioned articles. What's the definition of a petitioned article?

G. McRae - If you look at the blue sheets, you'll see at the bottom of article 23 - it says, "submitted by petition." The difference between the 11 cents and the 18 cents is the

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cumulative impact of all of the other articles recommended by the board of selectmen.

C. Ball - So additional money to article 9 will be included in the 18 cents.

Richard Dolan - Question on the excavator. Do you have a truck and trailer to haul it around and a operator? Who will pay for maintenance?

R. Wheeler - The answer is yes and it's all in the budget, so it's not like those things will be extra.

When the department head does his budget calculations, he makes certain assumptions. He doesn't assume it won't need repairs or fuel or a driver. The selectmen included it in the budget and I think the budget committee also supports this article.

(Article 17 will appear on the ballot as printed).

Moderator - **ARTICLE 18** - (read it)

“To see if the Town will vote to raise and appropriate Fifteen Thousand Dollars (\$15,000), for the purpose of funding the nonprofit Goffstown Main Street Program, Inc. (This appropriation is in addition to Article 9).”

Recommended by the Board of Selectmen and the Budget Committee.

Selectman D'Avanza moved the article and it was seconded.

P. D'Avanza - The Goffstown Main Street Program has been supported by the town for the past seven years at the same level, despite escalating costs. Special events and improvements on downtown are testimony to what they've done. This year, the biggest event, the Pumpkin Fest, was canceled because of the weather.

Main Street's mission is to provide support, advice, and promotion to current and potential business owners and residents of the designated Main Street are using the National Main Street Center's 4-Point approach. The 4- point approach revolves around principles of effective design, promotion, economic restructuring and organization as the keys to economic revitalization of historic downtown.

(Article 18 will appear on the ballot as printed).

Moderator - **ARTICLE 19** - (Read it).

“To see if the Town will vote to raise and appropriate Ninety-Four Thousand, Four Hundred Twenty-Seven Dollars (\$94,427) from the EMS Special Revenue Fund to reimburse the Town's General Fund for the purchase of the new ambulance in 2005. (This appropriation is in addition to Article 9 and results in revenue to the General Fund, so that property taxes will not be raised to pay for the ambulance.)”

Recommended by the Board of Selectmen and the Budget Committee.

Selectman B. Griffin moved the article and it was seconded.

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B. Griffin - During 2005 there was an accident which resulted in the need to replace an ambulance. Insurance covered part of the cost and the remainder was raised with the DRA's approval of an emergency appropriation which was recommended by the Board of Selectmen and the Budget Committee. The town has a special EMS revenue account which is set up for just this kind of an emergency. An emergency appropriation cannot be made from this account, so the town used money from the general fund.

The DRA approved this emergency expenditure and this article reimburses the general fund so that the cost not covered by insurance is paid for.

(Article 19 will appear on the ballot as printed).

Moderator - **ARTICLE 20** - (Read it).

“To see if the Town will vote to authorize the Library Board of Trustees indefinitely, until rescinded, to accept on behalf of the Library, gifts of personal property other than money, which may be offered to the Library for any public purpose pursuant to RSA 202-A:4-d. This vote shall remain in effect until rescinded by a vote of the Town Meeting. The Library Board of Trustees must hold a public hearing before accepting any such gift valued at over \$5,000, and the acceptance shall not bind the library to raise, appropriate or expend any public funds for the operation, repair, or replacement of such personal property.

Submitted by the Board of Selectmen

Sel. B. Griffin moved the article and it was seconded.

B. Griffin - This is enabling legislation for when money is appropriated, who has the authority to spend it. This legislation will allow the library trustees to accept the gifts, provided they follow the procedures established by law.

Article 20 will appear on the ballot as printed).

Moderator - **ARTICLE 21** - (Read it)

“To see if the Town will vote to authorize the selectmen, in their judgment, to transfer permanent and non-exclusive easement rights, license land rights or otherwise grant property rights in property owned by the Town of Goffstown, State of New Hampshire, shown on tax map 34, lot 177 and known as (East Union Street Pump Station), to a private developer for the sum of ten thousand dollars (\$10,000) for use in conjunction with the proposed development project on property located at tax map 34, lot 171 on Factory Street and East Union Street. The easement rights proposed for conveyance by the Town of Goffstown for the benefit of lot 171 include a stormwater drainage easement and a joint driveway access easement. In addition to the consideration set forth above, the Town of Goffstown shall also receive easements over lot 171, allowing a common driveway access, pedestrian river walk access, public utilities, snowplow turnaround and any other provisions required by the Town of Goffstown planning board . The final form of the easements referenced in this Warrant Article 21 shall be, in a form satisfactory to the town attorney. The

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selectmen are authorized to execute any and all documents necessary to carry this article into effect.

Submitted by the Board of Selectmen

G. McRae moved the article and it was seconded.

G. McRae - Probably everyone here is aware of this proposed development. A developer proposes to develop the old factory off of East Union Street into residential property. In order to complete that he has requested selectmen to grant an easement to part of the pump station property and has offered an easement to the town to put in some utilities.

If you're in favor of this development, you'll vote for this article. If not, you won't. This gives the voters an opportunity to have a say with respect to this proposed easement. I would mention that this article only deals with this easement. The site plan is in the jurisdiction of the planning board. They have held several hearings on this and I would presume in fact that if this article passes, they will hold more public hearings and reach a conclusion. It's possible if this doesn't pass, the planning board will continue to hold hearings on it if the developer changes his plan.

Cathy Ball - I have attended a lot of meetings regarding this project and I've tried to follow the minutes of the different committees on the website. I've never heard of an offer of \$10,000 from the developer at any of the public meetings, especially those that took place on July 11 and 25. When was this \$10,000 offered to the selectmen and was it at a public meeting?

G. McRae - I didn't either, in July. I did ask the planning department to contact the developer and ask if he was interested in going forward. He said yes he was, and that he would offer \$10,000 in a letter. But we had no offer in July or any other time.

C. Ball - So money was offered to the planning board or to the selectmen?

G. McRae - He subsequently came in to get his conditional use permit extended. We called him to ask if he wanted this done. He indicated he did want it.

C. Ball - My other question - because article 21 is not a petitioned article. Is the town depending on this money to meet the bottom line of the budget? And will the 18 cent tax increase be impacted?

G. McRae - I would say in a very minuscule amount. If he made an offer to pay \$10,000 we wanted to bind him because if this passes, he will pay the \$10,000.

C. Ball - I would like to offer an amendment.

Moderator - I've received an amendment to article 21 - this amendment would

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replace article 21.

Read the amendment, **“To see if the Town will vote to sell, transfer easement rights, license land rights or otherwise grant property rights in Town-owned property at Map 34, Lot 177 (East Union Street Pumping Station) to a private developer for use in conjunction with the proposed development project on Map 34, Lot 171.”**

C. Ball moved the amendment, and it was seconded.

C. Ball - As the moderator stated at the beginning of the meeting, the purpose of the warrant is to make articles on the ballot clear to the voters. There will be two more articles to follow that have to do with the mill property.

The original petitioned article 23 that was accepted and reviewed by the town counsel has not been found to be deficient. The article by the selectmen is complicated and will conflict with article 23.. It will set up a legal dilemma if one of these articles passes and the other fails.

If this amendment passes, it will make both articles identical and they can be merged into one article, and it will simplify the town warrant.

G. McRae - The reason we put the extra language in the article as it was written is to give the voters a chance to vote this up or down, and vote the impact it would have on that development up or down.

The proposed developer wants us to accept easements, etc., and that’s why we put the complete set of language in there. Voters can vote on the whole package. If they don’t, it will be a moot question in terms of the easement.

The concern we had with the petitioned article is, it wasn’t complete and might not grant the authority to the selectmen to do what they have to do. We believe that this amendment would not present a complete set of authority.

C. Ball - I just want to clarify - I’m not in favor of this development.

The intent of article 23 was to put the question before the voters and have the people of Goffstown see if their public land would be given to a private developer to benefit his pocketbook.

We had an article last year saying we didn’t want the selectmen to have the power to transfer the property. It didn’t hold up as a legal article by the town attorney. I’ll take part of the blame, I’m not an attorney.

The public voted 2 -1 that they wanted the right to vote on whether property was transferred and not for the board of selectmen to make that determination on their behalf..

Articles 21, 22 and 23 all refer to easements. Article 23 was submitted by petition - we went to the meeting in July and I stood up and asked the selectmen to put it on the ballot. That didn’t appear to be happening so we got approximately 100 people to sign this.

I hope you will support this amendment because if it turns out that there’s a yes vote to one and a no to the other, because people are enticed by the carrot of \$10,000,

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which is new information to us.

I think the voters need to have a simplified version in that we need to have one article and not two separate articles.

Bob Dunn - I have some problems with 21-22-23. We're talking about \$10,000. Has there been an appraisal? Is that just an offer the developer made?

G. McRae - It was just an offer the developer made. We are not selling land, it's just an easement over or under land.

R. Dunn - I'm not sure. Are we not setting precedent by doing this? If some other developer comes in and wants to develop land and we say no, how about this property?

The other thing I'm concerned about - how do these articles - if they don't pass, is this development dead in the water?

G. McRae - I don't know - only the developer knows that. Perhaps if all three of these articles fail, it might be dead.

The developer could modify his plan and he could present another plan to the planning board. This is an independent developer and he can change the way he's doing this.

R. Dunn - As a generalized statement, we are granting something that as far as I know, the town has never done before. This developer is capable of continuing even without these three articles.

As far as any liability, let's assume the article doesn't pass and the plan continues - I would think there can be a liability to the town.

The town could be made an additional insured if you're worried about any problems.

G. McRae - I don't think we're worried about that. We did require insurance of him whenever he was on our property. That's not the issue. The issue is whether or not the voters wish to approve these easements.

R. Dunn - I guess I just don't like the words transfer permanently.

B. Griffin - Article 23 was presented to us by petition. I believe it was mentioned that a previous article on last year's ballot was legally insufficient. Again, we're talking about what people can do and what things are legal.

Article 21 is what the selectmen drafted, with the purpose of echoing the intent of the petitioned article. The issue is whether or not this issue goes before the voters in March. We understood that.

Article 21 was drafted to meet the legal requirements for the selectmen to do such a conveyance. It looks longer than 23 - but it specifically deals with what would be transferred or conveyed.

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T. Wynne - If article 23 passed, forget 21 is there - you're saying that's not legally binding? Is that correct?

B. Griffin - Article 23 as it currently stands would be advisory. It would not give the selectmen any authority to do what I believe it was attempting to do.

T. Wynne - If it was defeated at the polls, which was really the intent of the people who petitioned it, would it take away any authority you might get from 21? If 21 passes and 23 does not, does that negate your authority on 21?

B. Griffin - It's our opinion that it would not.

T. Wynne - So if the amendment goes through without the money and it passes, can the selectmen still collect money for the transfer of this easement?

B. Griffin - The real question is whether or not we can do it at all. Because as I read article 21, its intent is to mirror article 23. Article 21 would appear at this time to read exactly like Article 23.

T. Wynne - Is it legally binding?

B. Griffin - We believe it's advisory only and does not compel or grant any specific legal authority to do what it says.

T. Wynne - If it's re-amended where it reads exactly the same, minus the money carrot, that's thrown out to get people to vote for it.

If it passes without money, can the selectmen make them pay money for the easement? Or is it just a freebie for them?

B. Griffin - If the article gives them the authority to transfer the property - from a practical standpoint, if we have the authority and we noticed this and said we would like to accept on your behalf \$10,000 and we delete that, do you think the individual would pay that?

T. Wynne - If we defeat this article, the selectmen do not have the right to grant the easement, is that correct? (Answer was yes).

I think we should vote against articles 21-22 and 23.

B. Griffin - I would urge you to vote against the amendment.

N. Campasano - Am I to understand if this amendment passes, the selectmen would not have the legal authority to transfer the easement rights? (Answer was yes).

The article last year which asked the selectmen to bring the easement issue to the

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voters was deemed legally insufficient, but it passed 2 - 1 and despite the people's vote, the selectmen scheduled public hearings and were ready to grant the easement to the developer. It took the petitioned article to stop that.

The planning board voted not to recommend the drainage easements - the conservation commission and the Piscataquog Watershed Assn. voted against it.

I would refer you to the January ZBA minutes where the developer asked for an extension and said he would need time to redo his plan. If the easements are not granted, the developer would redesign his plan. We would not be setting a precedent.

I would like to remind everybody to support the amendment.

Dick Georgantas - This has been before us for a long time. The room has always been full - there were people there on both sides of the issue. There are people who see this as a positive for the community. It's up to you at the polls.

If you lived next door to it you wouldn't like it. Or you might see it as a revitalization of the area.

We hear, why should we give easements? We hear it all the time. The City of Manchester is working with developers - Newington is doing it. It's nothing new.

I would suggest that you think for yourselves and if you think the revitalization of this is in the best interests of the community, go for it and not the \$10,000.

Do you think it's beneficial to the community? If you think so, support it; if you don't, don't.

Peter Jenkins - I would like to see the amendment passed because the development that's going in there is so large that it overwhelms the property. That's why he's asking to use some of our land so he can put in as many condos as would fill his pocketbook.

I'm concerned about the traffic and because everybody from the 60 units there will go into Manchester and the intersection at East Union and Mast Road will be the worst intersection in town.

The developer can develop that - I guess we won't get as many businesses in there as he was planning. But 60 condos in there is overdoing the site.

P. Manney - There's already a process and procedure in place to accept easements, correct? (Answer was yes).

Can a developer go to the planning board or the zoning board and request an easement? (Answer was no).

B. Griffin - We're becoming a planning unit here.

The planning board does not have the authority to accept or convey easements or property. Easements may be discussed in the plans, but they come to the board of selectmen.

P. Manney - So the selectmen do it?

If anyone can give us a refresher about this development - it was in conjunction

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with another development in town, right? I also thought it was economic development to a certain degree. I'd like to know what's going on here. What's this development?

R. Georgantas - This is a development and site plan still in process. It's proposed as a 60-unit development, but it hasn't been approved.

There are many developers who come before us - sometimes they get approved with conditions and sometimes they're scaled back.

This development did originally consist of a mixed use and it still does. There's a house there that will be changed to a cafe. The lower levels of these condos were going to be shops and businesses, but the outcry from the community was that the traffic couldn't bear that.

The developer came back with a proposal to reduce the traffic by 75%. That's why it's more condos and less retail commercial space. It has been scaled down with a cafe and maybe some other utilizations - still looking to get the court into the mill. It's still mixed use, not to the original scale because of the public outcry.

The project is not approved, the density is not approved.

There was a motion for a standing vote - it was seconded and it passed.

Moderator - The amendment passed 105 to 71.

(Article 21 will appear on the ballot as amended).

Moderator - On to **ARTICLE 22** - (read it)

“To see if the Town will vote to authorize the selectmen, in their judgment, to grant a permanent, non-exclusive access easement across the rail to trail corridor owned by the Town of Goffstown, State of New Hampshire, to a private developer for use in conjunction with the proposed development project located on property at Tax Map 34, Lot 171 on Factory Street and East Union Street. The final form of the easements referenced in this Warrant Article 22 shall be in a form satisfactory to the town attorney. The selectmen are authorized to execute any and all documents necessary to carry this article into effect.”

Submitted by the Board of Selectmen.

Sel. Griffin moved the article and it was seconded.

B. Griffin - Regardless of your position on the vote on the last article, I would ask that you vote for this in March.

This issue relates to access to the lot. The town has acquired the corridor to the rail trail. The board has been working on it, and in fact, in the summer there was a town ordinance passed that regulates its use.

You may have noticed some signs including stop signs where the trail crosses public ways or high traffic corridors, including Factory Street. Originally the railroad kept some of the easements. This particular crossing wasn't dealt with, even though the

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crossing has been there well over 25 years.

This was placed on the ballot by the board of selectmen to clarify access so property that crosses this can continue to do so.

This is not related to the specific project development you have heard people talking about - it has to do with access.

P. Jenkins - It says on Factory Street and East Union Street. Are these two locations, or just on Factory Street?

B. Griffin - It's my understanding that the reference to the streets are in regard to the lot.

P. Jenkins - It's just Factory Street.

C. Ball - I would like to amend Article 22. It was seconded.

Moderator - I have received an amendment which would replace Article 22 as it appears on the warrant.

“To see if the Town will vote to authorize the selectmen, in their judgment, to grant a permanent, non-exclusive access easement across the rail to trail corridor owned by the Town of Goffstown, State of New Hampshire, to Janigan Associates (the owner of the property located at Tax Map 34, Lot 171 on Factory Street and East Union Street). The final form of the easements referenced in this Warrant Article 22 shall be in a form satisfactory to the town attorney. The selectmen are authorized to execute any and all documents necessary to carry this article into effect.”

Moderator - I'm declaring this amendment out of order. In my opinion, it changes the subject matter of the original article. The original article speaks of conveyance or granting of these property rights to a private developer - a non-specific generic private developer. That's the subject matter.

This amendment changes the subject matter to eliminate the consideration of the voters to grant these rights to a specific property owner, so I'm not going to accept the amendment.

N. Campasano - Although this does not mention a specific developer by name, the easement papers have already been drawn up by counsel, and it's a specific developer waiting for this.

There are two easements - one for the one in 21 and one in 22, so it's not a non-specific developer. Public hearings were held with a specific developer and the easements are in relation to that.

D. Georgantas - This is pretty simple. No matter what goes on that piece of property, or if nothing goes on there, since the rail to trail has gone in, somebody has to

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be given access to that property. It has nothing to do with the development.

It's no different than if somebody ended up with a piece of property over your driveway. The people here need to be given access.

That has been there for many, many years - there has been a road going over those railroad tracks that we have had access to. Now we have to give access to whoever owns that property. This only has to do with access to the property.

N. Campasano - The intent behind the amendment - as the selectmen stated, the easement issue is correct - that lot does need access. It's owned now by Janigan Associates. When he sells that land, the easement, which is recorded on the deed, travels with it. If he sells to a developer that easement is granted.

If we pass this article, this easement is granted to a developer, not to the owner, and they would be back here for an easement. Once it's on a deed, it travels with the deed.

Moderator - Easements may or not run with the land depending on how they're written. You can't assume that they will run with the deed.

R. Wheeler - I think we've carried this meeting to a point where it can be fairly described as trying to out-lawyer a lawyer. This is what legal counsel advises us to do. We will not be voting on this for another month.

If the owner sells this land to somebody else, it goes to somebody else. I don't think we should be in the business of out-lawyering the lawyer. If you don't want to pass this article, don't.

(Article 22 will go on the ballot as printed).

Moderator - On to **ARTICLE 23** - (read it)

“To see if the Town will vote to sell, transfer easement rights, license land rights or otherwise grant property rights in Town-owned property at Map 34, Lot 177 (East Union Street Pumping Station), to a private developer for use in conjunction with the proposed development project on Map 34, Lot 171.”

Submitted by petition.

Moderator - Article 23 is identical in language to the amendment that was passed in 21. In my opinion, there's no need to discuss it.

Dan Cloutier - I'm a proponent of a secret ballot when it comes to voting by non-voice vote.

The amendment to 23 reads the same as article 21 did in the original pamphlet, *and I move we have a secret ballot on it so that people who may or may not have been intimidated have the opportunity to vote as they would like to vote. Motion was seconded.*

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Moderator - This amendment was offered first.

I've received an amendment which would replace the language that you see in the warrant with the language which appears in the warrant as article 21. The amendment is putting the original article 21 into the place of what's in 23.

If you wish to request a written ballot, we need to have five signatures before we take that kind of vote.

Collis Adams - Point of order - this body has already voted on this. Many people have left and I think that this is very inappropriate and should be declared out of order.

Moderator - A person should realize that this is in practical terms, a reconsideration, and a reconsideration can be moved anytime during the meeting. People who leave early are taking their chances.

I've received a request for a secret ballot.

N. Campasano - Point of order - it's my understanding that a motion to reconsider can only be made by someone on the prevailing side.

Moderator - I apologize if I failed to articulate correctly - the point I was trying to make is that it's not really a reconsideration, but it's the practical equivalent of a reconsideration.

You are correct on who's authorized to make a motion to reconsider.

Scott Gross - This is a very emotional issue for many people. There are two or three hundred people here tonight - usually about 3,000 people vote in Goffstown.

As Dick Georgantas mentioned earlier, let's have an up or down vote - if there was a 2 - 1 margin against the selectmen granting this easement last year and it fails again this year, so be it.

But for two or three hundred people here to take away the rights of about 2,700 people - is that fair?

D. Gagnon - I don't understand why this motion is accepted, when you just refused the other motion because it changed the intent. I think this is changing the intent of this article, along with being specific with the \$10,000.

Moderator - I accepted the amendment on 21 because it didn't change the subject matter of 21 and I accepted this amendment because I don't believe it changes the subject matter of this article.

John Hartnett - Maybe your opinion is incorrect, as your assessment of the first vote was incorrect on article 21.

T. Wynne - Can you amend an article that puts money onto an article? I didn't know if you could.

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Moderator - There's nothing in the Municipal Budget Act which prevents a meeting from amending a budget up or down.

J. Hartnett - The board of selectmen originally made that proposal knowing the developer had offered the \$10,000. I think the amendment is inappropriate and we don't know if the developer will still give the \$10,000.

Jason Sachs - I think we should just vote on the amendment and not debate procedure.

Moderator (called the checklist supervisors forward.) - We're voting on whether or not to change article 23 by changing the language so it will read the same as article 21 does in the warrant, before it was amended.

N. Campasano - Could you please clarify it so people know just how they've voting?

Moderator - What we're voting on is whether to change Art. 23 by changing the language of 23 so it will read as article 21 did in the warrant before it was amended.

Lionel Cullerot - I have been attending these meetings since 1962. I view it as deja vu and the reason I view it that way is everytime there's an article it's amended. We could save a lot of time if those people who are against developments such as this one, if these people would come forward with an article and state what they really want.

Let them select a village area with boundaries where there will be no development. Let's donate instead of \$15,000, \$150,000, and make an area where there will be no development, and stop all these amendments.

(Vote took place).

Moderator - The results of voting on the amendment were yes - 58; no - 114. The amendment fails.

(Article 23 will go on the ballot as printed).

It's after eleven o'clock and we have more to go through yet. I'm going to propose that the meeting last until midnight and if it's not concluded by then that we adjourn until tomorrow night, which is the posted snow date, and this room is available. Think about it, because I don't think anybody wants to be here until 3 or 4 in the morning.

Next is **ARTICLE 24** (read it)

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“ To see if the Town will vote to endorse the board of selectmen’s decision to consolidate Police, Fire, EMS and Code Enforcement services into a Public Safety Department administered by a Public Safety Director. The savings from this administrative consolidation will result in a reduction of Seventy-Seven Thousand Sixteen Dollars (-\$77,016). (This appropriation is a reduction to Article 9).

Recommended by the Board of Selectmen and the Budget Committee.

N. Campasano - Can I move to reconsider Article 23? Motion was seconded.

I just want to make sure that doesn’t come up again after people have left. *May I amend my motion to restrict reconsideration?*

Moderator - I don’t believe that vote can be reconsidered because it was a written ballot, so I don’t think the restriction is necessary.

N. Campasano - *Rather on Article 21 - the motion is for article 21. That was just a simple standing vote.*

I move to restrict reconsideration of the vote on article 21 so it will not come up later on in this meeting - motion was seconded.

Moderator - If you vote to reconsider, you’re voting not to change the original vote on article 21.

I have been corrected - On the vote for reconsideration, if you vote yes, then you’re voting to put article 21 as amended, back on the floor for more debate and another vote, and if you vote no, you don’t want to do that.

N. Campasano - If we vote no, does that mean it never comes back?

Moderator - Article 21 will have been reconsidered and will not come up again.

Jeffrey Tate - Article 21 is the one we were told was technically insufficient, correct?

Moderator - I think you’re right. If you’re in favor of reconsidering the vote on 21, say aye, if not, say no.

Ayes were several, but nos were overwhelming - nos have it.

Moderator - Back to article 24 - *R. Wheeler moved the article and it was seconded.*

R. Wheeler - We had a little bit of discussion about this subject earlier. I’ve seen articles in the paper about this periodically, so I want to share with you the selectmen’s view of Chapter 154, for it’s the foundation upon which the selectmen went forward with this concept.

This town meeting voted organization of the fire department under 154 and what

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the legislation stated was that the fire chief would be appointed by the local governing body, and if he were terminated for cause, he's entitled to due process.

It also said, subject to statute, charter or local ordinance, or subject to such written formal policies or guidelines as might be adopted or approved by the appointing authority, the fire chief should have the organizational and administrative control of the fire department.

So let's understand what was won and what was lost in 154.

The legislative body said we choose, and that's what the legislative body has the authority to do - make that choice. After that, the legislative body is out of it, the responsibilities go to others. They go to the governing body to formulate policies. That's not an authority that's retained by this meeting.

The selectmen, if they're going to dismiss a chief for cause, need to follow due process. We've been accused of not following due process. The accusation is fair - we didn't follow due process because we did not terminate for cause. There's no requirement to follow due process - that needs to be understood.

What the board of selectmen had to do was to decide where we're going to go. In the budget process we had a request for additional positions. We had a budget that was put before us that had over a million dollar increase and we didn't feel that the taxpayers could afford that. We went to work.

We went through and adjusted the budget and part of that discussion was the creation of a public safety department. It isn't a new concept in the State of New Hampshire. We have a state department of safety that's responsible for police, fire and several other responsibilities. What this board of selectmen envisions is what's taking place now.

The number of calls to the fire department are not predominantly suppression, they're predominantly EMT. We have a need to change with what the demands for services are.

Our fire department has done a magnificent job and one of the better areas is in the area of inspections. We have had a large number of increase of new structures built in Goffstown, but we have not had a large number of increases in calls. They're doing a good job - we're having safer homes built today than in past times. We need to recognize that and react to it.

You heard earlier about what makes up our tax base. We're mostly residential. I don't believe that we have the capacity to have the same down time as, for example, Manchester has, whose tax base is made up of 50% commercial and industrial and 50% residential. I don't believe we have the financial capacity to pay for sleeping time. We need productivity from the people we pay on a weekly basis.

Public safety endorses that concept. We have the first responders both locally and nationally - first responders to an emergency situation are generally the police. That's not a poor reflection on the fire department, it's an existing condition. Policemen are out and patrolling. They have a better chance of being where something occurs quicker than somebody else and that shows up in our history.

Public safety makes an attempt to cross-train those first responders to provide the most efficient operation. We need that level of efficiency or we need to be a lot more

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receptive to commercial and industrial development. We can't have it both ways.

We have gone forward with this proposal - the board thinks it makes sense. We hope you can see some value in it also and can find your way to support this concept as the Town of Goffstown grows and moves forward.

I suspect there will be other speakers and an opportunity to answer questions.

Dan Cloutier - I'm speaking on behalf of the Budget Committee, as I'm the chair, Below Article 24 it says 'recommended by the board of selectmen and the budget committee.'

After discussion with the Department of Revenue Administration (DRA), it has been told to me that this is not an appropriation article and thus the budget committee does not have the authority to recommend or not recommend this article, and those words should be stricken

R. Wheeler - In your discussion with DRA, did they say that that recommendation would invalidate the vote?

D. Cloutier - No, I only spoke about whether this budget committee could recommend or not recommend. That's all the budget committee has authority for.

R. Wheeler - Did the budget committee vote to recommend?

D. Cloutier - We voted to recommend to go to this session. After this session, we will meet and we will go over every single appropriation article from this session.. Article 24 will not be one that we will vote on.

R. Wheeler - But you did vote - this is not an improper recording of what has happened before this time, is that correct? (Answer was yes).

Charlie Carr - I wonder how we can superimpose some administration which would be the person who's put in charge of the public safety director over and above the fire chief, police chief, etc., and pay for cross-training, and still save \$77,016.

I think that is an impossible figure to derive just like some of the earlier figures we were told. How can you possibly say you're saving \$77,016 when you're hiring an administrator and you add cross-training?

Moderator - Charlie, do you want an answer to that question? (Answer was yes).

R. Wheeler - The answer to your question is contained in a multi-page very public report that was given to the board of selectmen by the person who would be appointed as the director of the department.

So you don't leave with some sense of suspicion, what's voted has to be lived up to. If you're correct in your suspicions and the board cannot cut the mustard with that plan, it's still all the money we're going to get. This isn't funsies, it's keepsies.

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John Caprio - There was a series of communications between a citizen concerned with the reorganization of the police and fire departments, the board of selectmen and the Attorney General's office. I have copies of that. I'd like to focus in on a letter from Mr. Orville Fitch, an assistant attorney general, and I'll read part of that.

"Our duty, (meaning the duty of the Attorney General's office) is limited to protect the rights of the voters of Goffstown. As the board of selectmen is advising that the voters will be afforded such a vote, it isn't necessary for this office to reach a conclusion as to whether or not the law applies."

So the attorney general's office is under the impression that the voters will be allowed to determine on this reorganization.

However, the board of selectmen's appeal to the reinstatement of the fire chief on page 6 says that the voters' guide that will be given out at town meeting, will advise that this vote is advisory and not binding on the board.

I have two questions - first, where is that statement in this documentation we've been given tonight; and second, if the voters vote this down, is it your intention to go forward with this reorganization anyway?

R. Wheeler - I guess I have to ask you a question - what part of the explanation of RSA 154 do you not understand?

J. Caprio - I would prefer that you answer my question with a statement and not with another question. Are you going to abide by the voters' vote if they choose not to reorganize? And will that be binding on the board?

R. Wheeler - My comment will not be binding on the board and I will not be a part of that board.

That answer will have to come from the next board. I will not be a part of that board; I'm not running.

J. Caprio - What's the board's intent with respect to this article? Will you go forward with it if the voters do not endorse the reorganization? I'd like a simple yes or no.

R. Wheeler - I can't give you a simple yes or no. I can assure you that historically, despite the accusations, this board makes every attempt to remain law-abiding. We follow the statutes.

I suspect that the board, even though I'm not there, will continue to be a law-abiding board and work according to statute. It may not be everyone's interpretation, but I suspect they will discuss it with legal counsel and they will go forward in that fashion.

I think the reading of 154 is relatively clear and I think that this board has specific authority and they will work within it. They won't go beyond it and they won't shortchange the authority given the board - and I think other bodies need to recognize

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what their limitations are.

Sorry I cannot respond to your question like you would like.

T. Gamache - Why this sudden move to public safety? When was this decision made, and why the sudden move?

R. Wheeler - I don't view this move as being more sudden than any other move that's made in how we go forward both budgetarily and in policy. We've talked about it, we've discussed pros and cons, we did different options and this is the one that we concluded.

T. Gamache - When was this discussed? In April? In May? Give me a month.

R. Wheeler - This has been an ongoing discussion since a year ago now.

T. Gamache - In your discussions you made comments about other towns and cities that have done public safety committees. Most of them have done staff studies - studied the effects - discussed the pros and cons.

You guys did none of that - you came up with a plan in November, presented it to the call people and full timers in December and implemented it in January. How is that effective for this town?

R. Wheeler - It's effective as an ongoing dialogue and discussion, similar to what we're doing here.

T. Gamache - You say it's to save money, and you've given us savings of \$77,000 for the first year. You haven't given us any idea of how much it will cost later on.

We will be paying for cross-training and you're talking a nine-month minimum for that, which will be a lot - you will have to pay for overtime - hire additional people - make changes to the current stations.

The \$77,000 is a drop in the bucket compared to the millions of dollars it will cost us next year.

R. Wheeler - I think you're right in your assessment that the costs for this program will change. We think the cost change of this will be much less than the other plan that was proposed.

T. Gamache- You were supposed to present a plan to the voters to be implemented in June and not on Jan. 1.

R. Wheeler - I thought we had an article that said we need to move forward and have coverage 24/7 in the fire department.

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T. Gamache - Can you do that other than public safety? The reason you have the police get there first - and I love the guys and I think they're great - is because communications is in the police department.

S. Gross - I'm fearful that article 24 is like 22 and 23 - not binding.

I'm curious about why the word, 'endorse?' The explanation that this article seeks voter endorsement - other articles say authorize. Endorse means giving approval, authorize means you're telling someone to execute something.

I wonder if, no matter what happens, if we vote yea or nay, it's non-binding.

R. Wheeler - I refer you to RSA 154 because that's from whence all of our authority comes - the authority that's given to the selectmen, to the chief and to the legislative body. I think endorse is the proper word. The responsibility is given to the board of selectmen. They've come to this meeting seeking an endorsement.

H. Boyle - I don't think this has anything to do with 154. It says the savings from this will result in a reduction of the operating budget - this appropriation is a reduction of article 9.

What's the appropriation? Are you taking this out of the operating budget and can you do that? It's a savings but what's the appropriation?

R. Wheeler - We thought that was what we were going to do. I understand that's what it says. We went forward with this concept.

It wasn't until John Caprio made a contact with the DRA that sponsored a discussion that induced Dan Cloutier to visit the DRA and they said we are not going to take the reduction in that article and apply it as an appropriation.

The way that the money would flow then, is that savings would end up as an additional level of surplus and it would have the same impact as reducing the amount to be raised by taxes if we used the other route to get there.

H. Boyle - What was the appropriation? It says, this appropriation.

R. Wheeler - We followed the same process, Hank, that we did when we dealt with solid waste and it was a savings that was recognized then. What we found out today is, you can't follow that path.

The people at DRA said we won't recognize that path. It doesn't change the money, it changes the route it takes to get there.

H. Boyle - Since there is no appropriation, can the selectmen recommend this article? Or will it just say, submitted by the Selectmen?

R. Wheeler - We haven't had a meeting yet on that.

Gerry Sterling - I'm looking forward to being a 50-year taxpayer in this town and

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I appreciate any opportunity the selectmen have of reducing expenditures so my taxes go down.

I give them an A for the trash collection and an A+ for the single stream recycling program. But this one - in the early 60s when I was in Boston University and got my MBA, this kind of situation would have made a good paper for a case study. It might even have gotten a B or a B+.

As a practical matter however, the introduction of this and the limits of voters' input into the process which many people have pointed out, would really bring down the grade we can give on this plan. It's creating a lot of problems. I'm not sure if they had asked me to make a contribution, that I would have ever come up with this plan.

I remember every time that there was an alarm at the Hillsborough County Nursing Home, Manchester sent a couple of engines. Maybe the solution is to give Manchester a call and say, why can't we get together and hire your people to take care of Pinardville? You have all that equipment sitting there and you have firemen happy to come to Goffstown.

Let's talk to Manchester - we'll be making Pinardville a part of the Manchester Fire Department. Let them take care of it and we can take care of the village.

Seems to me there's a lot more money that will be saved with that approach than with this one.

P. Jenkins - I was on the fire department for 34 years. We all got along well - Chiefs Fletcher, Hunter and Nault did an excellent job. The department had a full time force backed up by a strong call force. EMT personnel did a great job running the ambulances.

A while ago, I ran into a call fireman and said how are things going? He said, not too well, they were not responding to call firemen.

I checked with some other call firemen, and the first thing they said was, the chief passed out some new rules and one of the rules was we can't discuss these problems with people. They have to go through the chain of command. So it seems to me that somebody was trying to hide that there was a problem with these call men.

Maybe they're expecting too much from the call people. The administration has rules and I'm all in favor of rules, but what I'm hearing from the call people is that the rules are making it very hard for them. I won't tell anymore stories because it might be pushed back to some call men or ex-call men. We are losing call staff. We'll have to fill in with full-time people.

We would like to have seen more full-time people put in back when Hunter and Nault were there and build up the department. We'd better stop losing call people.

The military has a corps of permanent people and they have reserves and they help out. We can have a corps of permanent people, but we need the support of those call people to come in and help out.

Big companies nowadays hire a corps of people and they hire substitutes and part-time people. It keeps them out of the overtime pay, vacation pay and holidays and stuff like that.

Looking back at Article 28 last year, I'm asking what do you think passed 1506 -

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761? And as that article stated, it won't cost us anything. If that article showed what it would cost, I think the numbers would have been reversed.

I don't see any ads in the paper like we used to have, asking for call people. We used to have drives so people could support the full-time people. With the way the country is now, it might not hurt to have somebody basically in charge of everything.

I spent many weekends covering for the fire chief - today, with what could happen with disasters, we could have a plane crash into the mountain landing at the airport. If we had one person in charge, it might work out better.

I have an awful lot of faith in Chief French and if he was at the helm, we would have a person making out the budget that would consider the results on his house, because he lives here.

I think we need some permanent people more, but I think we should also keep our call force up.

N. Campasano - I have spent most of my adult life building a career in the fire service. I'm a District Chief in the Manchester Fire Dept.

I began that career 23 years ago as a call man in Goffstown. I have developed a great deal of respect for the Goffstown department and also for the Goffstown police department and I think as residents and taxpayers we owe those responders our respect and appreciation for the job they do everyday.

I could go on in detail with the many reasons why I don't believe that consolidation is good for the town. It's a very emotionally charged issue. However, we need to keep our eyes focused on the real issue, and that is the issue of process.

Despite what we've heard here tonight, the plan we are asked to vote on in March was conceived in haste and in secret. We are being asked to vote first and then discuss it.. We are being told this is a work in progress. When it comes to the safety of my family, a work in progress doesn't cut it.

Selectman McRae referenced an MIS report when he first suggested a public safety department. It contains 16 pages of calculations - evaluations - etc. That has never been performed here. This is the proverbial case of putting the cart before the horse.

In many communities consolidation has saved money, but in many it hasn't produced the promised benefits. To decide now would be premature and irresponsible.

But what's disturbing is that after all the talk, the board of selectmen have said this vote would not be binding.

We looked at the appeal - it stated that the warrant article was phrased in such a way because they think they have the final say and not the voters. That's their opinion. There's an opposing legal opinion that says we have the right to say what kind of EMS and fire and police departments we want.

This sends a message loud and clear.

I have an amendment to article 24. It was seconded.

Moderator - I've received an amendment to Article 24, which if passed, will replace what's printed in the warrant.

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It reads, **“To see if the Town will vote to direct the Board of Selectmen to stop any and all efforts to consolidate Police, Fire, EMS and Code Enforcement services into a Public Safety Department administered by a Public Safety Director.”**

R. Wheeler - There's nothing in that amendment that I don't understand. I hear it. I ask you, Mr. Moderator, in compliance with RSA 154, is that an issue that can legitimately come before this body? That's my point of order.

Moderator - The point of order was that RSA 154 does not permit the proffered amendment.

However, whether or not the statute of this state is complied with or not complied with, with respect to the action taken at a town meeting is not necessarily the function of the moderator to determine.

My role is limited, as I understand it, to determining whether or not the offered amendment speaks to the subject matter of the printed article, and I think it does.

I'll accept the amendment and overrule the point of order and entertain discussion on the amendment.

N. Campasano - As you read that amendment, I believe it makes it quite clear that we want the selectmen to stop their attempts to consolidate our emergency responders. There are many things that apply to the board of selectmen. Some they choose to follow and some they don't. Their opinion is that this is advisory. We have legal opinions that this is not.

In any event, if this goes to a vote and the people state that they don't want you to continue to consolidate our emergency services, that's a message you need to heed, and you ignore that at your own peril not statutorily, but by the electorate.

I believe any future discussions about consolidation should only be taken after intensive study and review. Everything, including the final costs, final organizational structures, etc., should be provided before we make a decision.

As the legislative body of this town, we the voters of this town want to make the decision about our emergency services. I urge everyone here tonight to support and vote for this amendment.

Ed Hunter - I was 27 years on the fire department. The Goffstown Fire Department is unique in a number of ways and it needs to have its own fire chief because we have as many people as we do coming from so many areas.

We have three different fire stations with three different cultures of people and the people heading that need to know those people and their needs, and it's a full time administrative job.

When it comes to administration, there's no reason why a fire department with so many people and the budget as large as it is doesn't have its own administrator. It has to. There needs to be an administrator who advocates for the fire department.

Chief French is a wonderful police chief and we're blessed with a very good police force. I have a lot of respect for his ability.

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I'm not sure I have the same feeling professionally for a policeman to head up the fire department with all the responsibility he has. There's no reason why a town of this size cannot afford a fire chief.

I don't know why we've come to this point, but if there are problems with job performance, perhaps a job description or something else - I think that's what the selectmen should address, and not throw the baby out with the bath water. I think this is a huge mistake to continue with this consolidation. I don't want the fire department to become the adopted cousin of the police department.

I urge you to vote for this amendment.

J. Sachs - As much as I'm uncomfortable with article 24, I'm just as uncomfortable with the amendment. I'd like to see some pros and cons before election day. I would hope that the board of selectmen would present something.

Somebody in the audience called the previous question and it was seconded and passed.

Moderator - Vote on the amendment to article 24 - **Amendment passed- loud ayes, some nos.**

N. Campasano - I move to reconsider this article - motion was seconded. There was some discussion.

Moderator asked if he had voted on the prevailing side. He had.

Motion did not pass - article will not be reconsidered.
(Article 24 will appear on the ballot as amended).

Moderator - It's 12:15 a.m. and we still have a lot of business to go through - I'm not inclined to continue this meeting now and I'm proposing that we adjourn this until 7 p.m. tomorrow night here at the Goffstown High School and that's what we're going to do.

(People started to get up and put on their coats) I guess that's a tacit approval of the meeting, so I guess that's what we'll do.

Meeting adjourned at 12:15 a.m.

GOFFSTOWN BALLOT DETERMINATION MEETING, Feb. 9, 2006

The meeting continued at 7 p.m. in the GHS gymnasium.

There were 141 registered voters present.

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Moderator called the meeting to order at 7:05 p.m.

Moderator - **ARTICLE 25** - (read it).

“To see if the Town will vote to continue the Police and Fire Departments as the separate entities they have been for many years, and restore to office any personnel who may have been removed from said office, if reorganization has begun before this vote.

Submitted by petition.

Tricia Wynne - On article 24 - Do the selectmen consider this to be a binding article as amended?

Moderator - In my opinion, it was advisory as originally written, and it's still advisory. I would like to move on to 25.

Charlie Carr moved the article to the floor and it was seconded.

C. Carr - The reason I brought this article forward is because a number of people who talked with me agreed with me that we weren't sure that the selectmen would have an article that would satisfy the needs that this article satisfies. I didn't know that there would be two others at that time.

This article not only tells the selectmen that we want to keep the department separate, but that we want to keep the fire chief as the fire chief. It seems as if it was quite obvious although the selectmen denied that the intent was to get rid of the fire chief. You don't start a merger by getting rid of a department.

They had no excuse or cause to fire him, so the only way they could get rid of him was to get rid of the office. But the merger would still require someone to be in that position so that kind of gives away the real reason for this so-called merger.

The Attorney General's office and the judge of the Superior Court told the selectmen that they have to have the vote of the people. They were going to go ahead anyway, and they again sort of emphasized the reason was to get rid of the fire chief. Here's the article - let's support it.

R. Wheeler - Mr. Carr, would you respond to a question? You seem to know other people's thoughts.

I wonder if you've gotten to the point where you could cite in the meeting the authority to do what you want to do in this article.

C. Carr - I presume you want some RSA number.

R. Wheeler - Yes, or whatever you saw it that the authority was granted that you can do this.

The board of selectmen go to find out where we can do these things. I wonder if

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you can share with us the foundation from which you can go forward.

C. Carr - My belief is that when the people of a town vote something, whatever is voted should occur.

R. Wheeler - I think the State of New Hampshire is a specific authority state, not a home rule state. You have to have specific authority for whatever you do.

C. Carr - Suppose I cite section 154:1.

R. Wheeler - I believe 154:1 says the town meeting can make one of the choices of the options contained. Once the town meeting makes that option, that's the end of the town meeting's authority.

Will you cite for me where you get that authority?

C. Carr - I can't find the section for that authority, but I had the faith, and that has been shaken now, that when we said we wanted something that the selectmen would go along with it.

P. Manney - If the selectmen don't mind, could they please tell me which of these petitioned articles are binding or not binding?

If they go one at a time - I run an organization and part of my charge is to notify the voters. I am sure that these were looked at by their attorneys - I think that's information the voters would like to know.

R. Wheeler - The legal advice that we receive is that the town meeting has the authority to deal with the first sentence - beyond that, it's advisory.

Terry Clapp- On 154 - it gives the voters and only the voters the legislative body, the authority to make that change.

R. Wheeler - I think you have the right idea - the wrong conclusion, but the right idea. It says you do have the right to make a change, The proposal we have doesn't change from the original decision of the legislative meeting that was formed under 154. The law cites that we have not changed.

T. Clapp - (Read a section of 154). This is significantly different than what you're trying to sell.

R. Wheeler - You are absolutely right. If the board of selectmen had any intent whatsoever to change under 154, our organizational structure. We didn't.

If you continue to read 154, you will see that the legislative body has the right to make the choice and you did and the choice this body made was not to go forward with the fire wardens, not to go forward with an elected chief, but to go forward with the chief

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being selected by the governing body, and we have been following that with several chiefs throughout the years.

We don't propose to change that. I suggest if you give it unbiased reasonable thought you will find we didn't ask anybody to change that.

T. Wynne - I think the board of selectmen is missing the point. It's not whether it's a change in the fire department as it is, the point is we don't like the way it was presented to us because there weren't enough facts about consolidating these into a Public Safety Department.

You've lost our trust. We voted you in and if the people want you to do something we firmly believed you would do what we wanted you to do.

Last year we said we wanted the selectmen to come forth with a plan for 24/7 at one of the fire stations. That's what we charged you with last year.

This year we're charging you whether or not it's legally binding. Don't hide behind 154. If these articles pass, binding or not, we want you to listen to us and do what we want.

B. Griffin - Last night I had the desire to say, "Beam me up, Scotty! - see you later." I can't remember the last time that people behaved like this in this community - I think it was over trash.

It's pretty astounding because we said here last night and heard legal opinions from people who aren't lawyers. I thought I heard the selectmen say, "It's okay, but this isn't a home rule state."

There are certain statutes that we have to follow - that's why we're here. Some of the things that you want us to do - we have a legal opinion.

The people last night picked the articles and picked and chose what you wanted to be legally binding. That's your right. You want to come here and amend articles.

When people go to the polls in March and vote on nothing that's binding, that's final. You made that choice.

I didn't hear one person last night talk about the merits of the proposal. Not 1.

I suggest to you that I just heard someone say what she thought you wanted us to do. It was her paraphrasing of it. I don't deal with that - just with what I'm legally authorized to do. That's my charge - your charge is to come to meetings and come and vote. I'm sorry that there won't be any choices next month, but that's your choice.

You can vote people out of office - this is not a home rule state. That's the position of the board of selectmen going into this meeting.

We have the people talk about them - tell us where in the law we have direction because when we go to the voters in March, the then sitting board of selectmen will deal with them.

We don't know who the members of the board will be in March. The board of selectmen's position is that article 25 is not legally binding. You cannot compel the selectmen to hire personnel. We can move this and I don't need to get back up - that's the opinion that we have received on article 26.

Our legal opinion, from someone other than myself, is that the vote in March, if it

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goes forward on that warrant article as proposed currently, will not be legally binding.

You might not like that, and I don't think it makes a lot of sense tonight to talk about it. But I'm not going to stand up here when I'm not giving the answers that people want. That's it.

T. Wynne - That's what we asked you to do, whether it's legally binding or not. Did anyone ask you to come forward and consider this? It doesn't matter where it came from. You represent us - if we ask you to do something, I think you should do it.

B.Griffin - And if you ask us to spend ten million dollars more than what's in the budget and raise your property taxes, can I go to DRA and say, that's what they asked us to do?

The people in March will not be going to vote on whether or not they want this because this meeting will have taken care of it. I think the various positions in regard to this are clear. There have been various positions brought before the board on this.

Our position on 24/7 coverage is not acceptable to people as this issue is being raised as a staffing issue and not being raised by the number of calls.

But we are not talking about that, we're talking about staffing.

C. Adams - With all due respect, the problem as I see it is that unfortunately tonight isn't turning into a deliberative session, it's turning into a public hearing. You're hearing the concerns of the citizens. They didn't have an opportunity to talk about this before this plan was set in motion.

Before you do this, give us an opportunity to let people be heard. There has been no opportunity for them to be heard.

This has turned into a public hearing which, in my opinion, should have been heard prior to the process being set in motion.

B. Griffin - I'm not here for that. I have a ballot that needs to be put in place next month.

We have meetings - every week there are board meetings. I haven't heard questions of substance about the selectmen's proposal. That's why we're here tonight.

I'm not sure we've already discussed article 25.

N. Campasano - Last night Sel. Wheeler described his interpretation of the RSAs and his legal counsel's interpretation, and tonight we heard some additional interpretation.

That's their opinion and their lawyer's opinion. There are always differing opinions.

The interpretation we heard last night is the same one the selectmen utilized in their written appeal to the Superior Court when they asked the Superior Court to lift the injunction and allow them to continue with the consolidation. The position I heard from the board is that they're acting in the town's best interest. They believe they have the power they say they do.

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I believe that when the legislature put this together, they thought there should be a balance of power. I think the problem arises when you take one RSA and go from there, because a lawyer will tell you never to do that.

For instance, RSA 154:17 - **“If in any town, village district, precinct, city or area, apparatus for the extinguishment of fires is provided at the public expense, RSA 154:1 through 16 shall apply and firewards or fire engineers shall be duly elected or appointed. But the bylaws now in force in any town relating to the extinguishment of fires, election of firewards, fire engineers or fire chiefs, shall remain in force, subject to being repealed or superseded by vote of the town.**

I think you run into a problem when you look at just one RSA.

I don't believe that the selectmen are evil, they believe what they're saying.

On Jan. 23, the selectmen filed an appeal and they listed that interpretation and we heard it last evening. Today the Superior Court did decide on that appeal. The appeal was denied.

Karen Battey - You still haven't answered Tricia's question. I was wondering about article 24.

B. Griffin - We are not addressing any of the issues on the floor from last night.

Moderator - That is correct.

K. Battey - I think we have a right to know whether or not all of these articles are binding or non-binding.

B. Griffin - I've already said that 25 and 26 are not binding. Are those words clear? The legal opinion that we have is not binding.

John Hartnett moved the question, it was seconded and passed.

(Article 25 will appear on the ballot as printed).

Moderator - **ARTICLE 26** - (read it)

“To see if the Town will vote to reaffirm the continuation of separate Fire and Police Departments, with each department run by a fire chief and police chief, with each being the distinct department head for their respective departments.

Submitted by petition.”

Mark Lemay moved the article to the floor and it was seconded.

M. Lemay - This article is self-explanatory, it simply seeks to reaffirm the fact that the people here respect the professional jobs the police and the fire department are doing. By voting for this article, you will be acknowledging the need to have a distinct

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department head overseeing each department.

You will be showing that you recognize the demanding training requirements and skills needed by each discipline, and understand the necessity of maintaining separate agencies in order to maintain proficiency in those required skills. By supporting this article, you show your unwillingness to accept a mediocre response agency in return for a token, and up to this point unproven, tax savings.

Moderator - I would make the comment that it's very similar to the amended article 24 we did last night. Also, as a general proposition, in terms of petitioned articles, it makes it difficult for voters. I can tell you this from experience. It leads to a lot of confusion when there are several petitions dealing with the same things. You might think about that in future years.

Perhaps you can coordinate petitioned articles among yourselves if you have a common interest.

M. Lemay - We want to continue to have a separate police and fire department and each to have a separate chief.

Moderator - I understand that's what the article says.

(Article 26 will appear on the ballot as printed).

ARTICLE 27 - (read it).

“ To see if the Town will vote to direct and require the board of selectmen to reinstate Frank Carpentino to the position of Fire Chief and department head of the Fire Department.

Submitted by petition”

M. Lemay - I have an amendment to article 27.

B. Griffin - In an effort to keep this meeting legal, I would like someone to move this article and second it.

M. Lemay moved the article to the floor and it was seconded.

Moderator read the amendment - I'm not going to accept this amendment which adds substantially to the intention and subject matter of the warrant article which is limited to the reinstatement of the chief of the fire department.

This amendment adds a \$100,000 appropriation for which there has been no warning to the town, or to any citizen of the town that this would be a subject matter brought before this meeting.

Therefore, I deem that this amendment is out of order, and I will not accept it.

M. Lemay - The fact that I came up with the hundred thousand dollars - we're

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talking about \$77,000 that's in the budget already that was spoken for last night. The rest is for the rest that was given to someone for an additional chore.

Moderator - I don't know about that and it's beyond the scope of my responsibility.

In terms of the subject matter of the warrant, the article that was originally presented, it seeks to raise money and therefore it falls short of the requirements of NH law about warnings for town meetings.

I understand last night all reference to the \$77,000 was deleted from the warrant, and having said that, I don't wish to debate my ruling any further.

Dan Cloutier - During our deliberations, the resulting warrant that shows in the ballot this year shows both salaries and benefits for the fire chief.

The budget committee didn't reduce that; the board of selectmen also put in for full funding for a fire chief.

Moderator - Is there anymore discussion on 27 as it appears in the warrant?

D. Georgantas - I should say that I have seen this behavior before.

One year we had nothing but a roomful of school teachers who were up against a pay issue that the town wasn't for. I did hear the shouting and the yelling like I did last night.

I speak about this because it speaks about a specific person. We don't want to speak about people by name in warrant articles. This is a police and fire chief situation, not a Frank Carpentino thing.

The reason we're here tonight, in my opinion, is because there's a breakdown between the board of selectmen and Mr. Carpentino. I feel that the community is not being well served by either at this point.

My recommendation to all the voters in Goffstown is to vote against every article having to do with the consolidation.

I want a fire chief. That doesn't mean I approve and agree with the selectmen. I think they handled this incredibly badly.

I think we should vote no on everything that has to do with merging and full-time staffing and charge both bodies to put their egos aside and come back next year with a good fire department that we can all afford.

We have spent the last 6 - 7 months writing articles and going through the courts. I think we should vote everything down.

(Article 27 will appear on the ballot as printed).

Moderator - **ARTICLE 28** - (read it)..

“To see if the Town will vote to make the position of Public Safety Director an elected position with a two-year term, should the Town legislative body approve the consolidation of the public safety service. The election of the Public Safety

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Director shall not be held until the next succeeding annual meeting following the approval of this article.

Submitted by petition.”

Mark Lemay moved the article and it was seconded.

M. Lemay - Under RSA 41:7, the RSA provides for the adoption of a 1-2 or 3 year term.

If the town voters vote to adopt the position, the installation of the chief cannot take place before the next annual meeting. This would put the police chief above the whims of the selectmen and allow him to run the public safety service in the best interest of the Town of Goffstown.

R. Wheeler - I guess my question is, as you read the statute, how do you get from police chief to public safety director?

M. Lemay - The public safety director, as I interpret it, is the police chief, indicating what you did - putting the police chief in that position.

(Article 28 will appear on the ballot as printed.)

ARTICLE 29 - Moderator read it.

“To see if the Town will vote to adopt the provisions of paragraph 1 and 11 of NH RSA 154:5, which includes allowing a fire chief’s tenure to be based on good conduct and efficiency and provides for the suspension and/or dismissal of a fire chief only for cause, after he or she has been presented with a written specification of the reasons.

Submitted by petition”

M. Lemay moved the article to the floor and it was seconded.

M. Lemay - Basically this article seeks to adopt the provisions of RSA 154:5 which requires a fire chief’s tenure to be based on good conduct and efficiency and provides for the suspension or dismissal of a fire chief only for cause, after he or she has been presented with a written specification of the reasons.

RSA 154:5 reads, “*Chief Fireward, Engineer or Fire Chief -*

1. The Chief Fireward, Engineer or Fire Chief in any town, village district, precinct, city or area which has adopted the provisions of this section shall be appointed for an indefinite period of time or for a definite term, as determined by the legislative body, and the tenure of office shall depend upon good conduct and efficiency. The Chief Fireward, Engineer or Fire Chief shall be technically qualified by training or experience and shall have the ability to command firefighters and hold their respect and confidence. Any Town may adopt the provisions or paragraphs I and II at any annual meeting by an article in the warrant calling for such action.

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“2. Subject to such written formal policies as may be adopted by the appointing authority, each Chief Fireward, Engineer or Fire Chief of any city or town who is appointed rather than elected, shall have the authority to direct and control all employees of his department in their normal course of duty and shall be responsible for the efficient economical use of all department equipment. Such Chief Fireward, Engineer, or Fire Chief shall be subject to suspension without pay or dismissal only for cause, and after he or she has been presented with a written specification of the reasons. Upon such suspension or dismissal, the Chief Fireward, Engineer or Fire Chief shall be entitled to a hearing on the merits and reasonableness of his action in Superior Court in the county in which the municipality is located, provided that the Fireward, Engineer or Fire Chief petitions the clerk of the Superior Court for a hearing within ten days of suspension or dismissal. The court shall have the power to affirm, modify or negate such suspension or dismissal, based upon the findings.”

R. Wheeler - The town has already adopted RSA 154 - it's already in place.

P. Manney - Are articles 27-28 and 29 binding or non-binding?

R. Wheeler - Article 27, no. Article 28 - the legal opinion states there's nothing that authorizes this as an elected position. Article 29 - The legislative process would vote this out because the law is already on the books.

N. Campasano - I'm puzzled - I'm reading the appeal that the board of selectmen filed with the Hillsborough County Court and they talk about 154:5 and what it states. They say (read from the appeal). No such action appears in any town records, so that seems to contradict what we just heard.

R. Wheeler-I'm repeating what I have here - it's a legal opinion, and I'm not looking for a debate.

(Article 29 will appear on the ballot as printed).

ARTICLE 30 - (Moderator read it.)

“To see if the Town will vote to raise and appropriate an additional sum of \$221,258 (above the 2006 operating budget) of the \$402,893 necessary to employ 18 additional full time Firefighter/EMTs within the Goffstown Fire Department, in order to implement 24 hours a day, 7 days a week, fire and fire based Emergency Medical Services, staffing a minimum of two fire stations. The effective date of hiring nine new full-time Firefighter/EMTs shall commence effective July 1, 2006, and the effective date of which the remaining nine full-time Firefighter/EMTs shall commence with a hiring date of September 1, 2006.

Submitted by petition.

Not recommended by the Board of Selectmen

Not recommended by the Budget Committee.

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Bill Connor moved the article to the floor and it was seconded.

Bill Connor - My name is Bill Connor and I'm a resident, voter, taxpayer and a firefighter here in Goffstown. I also have the honor of serving as the president of the Professional Firefighters of Goffstown.

I am here tonight to speak to Article 30 which is a true plan for 24 hours a day/7 days a week, fire and emergency medical services for the citizens of Goffstown.

This article has been several years in the making:

Over 2 1/2 years ago, per the direction of the board of selectmen, a panel was formed to look at the future of the fire department. That panel included two selectmen, two Goffstown fire chiefs, two firefighters and two citizens of Goffstown. The panel identified the shortcomings of a reliance on a delayed response on-call based program of fire and EMS. The panel developed a document which identified an immediate need to move toward providing around-the-clock fire and EMS services to the community. No action was taken.

About 1 1/2 years ago, a large number of active call fighters petitioned the selectmen for relief in the form of a fire station staffed around the clock by personnel who were both firefighters and EMTs - still nothing happened.

In the summer of 2004, the board directed Chief Carpentino to put together an inexpensive plan to provide fire and EMS coverage for the town. He was given 30 days to provide the plan. He delivered that plan - again nothing happened.

Last March, the voters of this community spoke loud and clear to the Board when, by a 2 to 1 majority, the voters directed the board to put together a plan for 24/7 fire and EMS staffing of at least one fire station.

Nothing happened until late summer when the board followed up with an EMS only "pilot program." The hastily summoned directive which started last September still did not respond to the voters as it did not provide what was asked for around the clock EMS and fire protection.

This article, article 30, follows the voters' directive of last March. To be clear, Article 30 is not a so-called 'union' article.

The article was developed by residents and firefighters and it took under consideration last year's warrant articles, the report of the fire department committee, Chief Carpentino's 24/7 report, current staffing levels, and services provided by similar sized communities.

Article 30 puts seven firemen/EMTs on duty every shift, which reflects the average number of personnel who are staffing the fire stations during the day. This plan allows for several different immediate response configurations to single or multiple events, or to larger multi-resource events.

The financial figures were derived from actual costs, numbers from Chief Carpentino's report, bargaining unit requirements, NH requirements for full time firefighters, and figures from the 2005 and 2006 fire department budgets.

These numbers are as accurate as is possible. The plan is both cost-effective and provides the citizens of Goffstown with consistent, professional, and effective emergency

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response 24 hours a day.

There are several myths that have circulated regarding this article. This plan will not eliminate the call force. This plan still embraces the roots of the combination department that is the Goffstown Fire Department.

The call firefighters will be able to fulfill the support role that they have always been expected to fill. The core full-time firefighters will be available for first response.

Around the clock firefighters will not need additional space and major construction projects at the fire stations. There will be about the same number of firefighters on duty each shift as there currently are during an average day shift.

Other parties have projected costs of 3-4 million dollars which would translate to \$167,000 to \$222,000 per new employee. That figure is unrealistic. As an example, Manchester's fire department budget is around \$20 million; they have approximately 255 employees. That's \$78,400 per employee.

There has not been full cross training of police officers and firefighters. True, police officers are cross-trained to use defibrillators - but that's now part of the basic CPR curriculum to be trained on the automatic defibrillators. Anyone taking a CPR course will have defibrillator training.

Firefighters are cross-trained as EMTs - that's nothing new or part of some merger scheme; it's a job requirement to be a full-time firefighter and for several years, the expectation is that the training level be to EMT Intermediate Level.

Public safety organizations do not exist in nearby communities, although public safety buildings do. A public safety building does not equate to a public safety department. The towns of Weare, Bedford and Hooksett have public safety buildings which house police and fire, but as separate and distinct entities. Some don't even share a common entrance. Those buildings were built to reduce construction and building maintenance costs.

Steve Pascucci - I just want to say that I think we need 24/7 fire coverage.

I grew up in Cambridge, Mass., where we had 24/7.

In May or June of last year, we had a family come in for dinner at about 8:30 p.m. and within about ten minutes of being in the restaurant, the woman had a problem.

I called 911 and the police were there within 7 - 10 minutes and it took another 40 minutes for the EMTs to come in. Meanwhile, my wife was helping the woman.

When I found out that we didn't have coverage in the village; that we had to call Pinardville and had to wait an additional half hour, I was shocked.

I think we need 24/7 coverage - maybe having lived in Cambridge, I took it for granted.

D. Georgantas - I'm not sure if I'm in favor of 24/7 because I haven't seen any good sound reports.

If we need 24/7, that doesn't necessarily mean that we need 18 new firefighters to get that. That's my concern. Maybe 12 would do it, maybe ten. Maybe it is 18.

We may be being presented with the Mercedes-Benz of fire protection. Maybe there's another alternative. I'm concerned about what's in between 18 and 0.

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I urge everybody not to support this article, or any of these articles until you have enough public hearings and discussions on this. We should have the community involved in this decision.

Bob Dunn - I don't like to have someone tell me what I can and can't afford. What is the cost going to be? I've heard numbers from one to four million dollars. Mr. McRae said the papers were mistaken. But there had been no repudiation.

These people have no clue about what it will cost to merge the fire and police departments. If this is such a good plan, why don't we have it around here? Perhaps you can tell me what it's going to cost for the merger.

You're talking six additional supervisory positions to start with. Then, a consultant to put this plan together. Where is the plan? I don't think you have one.

If you could tell me what it would cost, I might be amenable to it - but you're giving me nothing but smoke.

Don't believe the scare tactics.

Moderator - Right now we're talking about article 30, adding 18 additional fire personnel and not necessarily the consolidation of the departments.

T. Wynne - I agree with Dick Georgantas - this plan is more than we asked for. It's two stations rather than one.

My question is what is the tax impact on us, which we don't have an answer for, when you're looking at spending \$221,000. Do we really need firefighters 24/7? Do we have enough fires to warrant that?

And I would like to know, is this article binding?

Maurice Mailhot - Speaking of numbers, we were told it's about 18 cents per thousand. At \$221,000 you can figure it out. Is that a fair assumption? That was taken from the 2004 estimated for the town of Goffstown. I'm asking for financial advice from the town. We did ask and we couldn't get a solid number.

R. Wheeler - Could you explain if part of your calculation is a money transfer from existing lines? Where are you taking this money from? Why isn't it needed from where it came?

M. Mailhot - It basically comes from 14 different line items. For the 2006 proposed figures, there was some that comes from labor lines; call firefighter wages - full time and overtime wages. When you start with 24/7 you usually hire more firefighters. We spend 144 hours on part-time, overtime scheduled hours. On holidays and weekends, there are five people covering. That was the approach we took down the line.

When you integrate into a full-time fire department, you need full-time people in certain situations. A motor vehicle accident - motor vehicle accidents you have to call out an engine as well and you're paying for those people to come back. You'll always need full-time and call people.

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In 2006, we used approximately half of that labor. This plan won't go into effect until after September. The call force will still use the wages for six months. After six months it starts getting fixed in - you don't have to fill those other positions.

Out of \$382,000 that was 'available' we only used 181. That still leaves \$200,000 for six months.

In 2007, same approach. Eighteen full-time firefighters will cost approximately \$79,000 for benefits and wages. You still have \$667,000 on the books. We used half of that amount - a little more than half. We're still keeping \$200,000 for call force to come back and help with calls we need help with.

We also evaluated other things - people keep saying Goffstown can't afford it - it will cost millions.

In the Department of Revenue Administration report from 2004 - Bedford's fire budget was 1.4 million dollars; Goffstown's was 1.6 million. Bedford had a smaller budget with 24/7 coverage. Goffstown at that time had 1700 total calls without supplying 24/7; Bedford had 1500 call that year - less than we did. Hooksett had 2200 calls, more than us. Their budget was 1.8 million dollars.

These are almost identical towns. It's a matter of having the department head work with the selectmen. It's up to the department head to shift money from line to line. We came up with what I believe is a very realistic number. How did we come up with seven?

We start off in the morning with eight people - we have a minimum of six. We have 6 - 8 full-time firefighters on duty everyday in two stations. We decided that 7 is the average number.

Do we occasionally call mutual aid? Yes, occasionally. This is what's set up by the fire departments.

Everybody is looking at this big 18 people we're proposing. The paper work is getting worse. We now have to sit in the hospital to do work. It's taking us longer to get back.

We feel comfortable that we can provide very good coverage to this town at two stations with seven people on duty. A driver is stuck with the truck. That provides first response. Our first priority is safety. We have to make sure that a house is safe. National standards call for a backup truck. We tried to provide the town with the best number we thought the town could afford.

After we came up with the numbers, we spoke with the chief. Could he run the department with these numbers? He said yes, he could. This is his job, but it's unfortunate that we had to present it.

I'm not a budget person. I'm a firefighter but when I have to step up - somebody has to and we did. I hope everybody can understand where we got these numbers for 2006.

It would be nine firefighters for six months - \$48,000 per year labor, benefits, retirement. You have to have physicals, shots, there are several things we have to go through and for 18 people it will cost \$73,000. Will this number hold? We have to use worst case scenarios.

Do we have extra sets of gear at the fire stations? Yes, about 10 or 15 sets. But I

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have to account for everybody. That's what these employee costs are - it's a one-time cost when they first come on. We felt that was realistic for the first half of the year. Could that number go higher or lower? Possibly. We did the best we could. We looked at what we had paid out for the past year.

The fire department over this past year turned in over \$150,000 back to the town. Could some of that money be offset as well? I don't know. But any budget person would guesstimate what it would cost to run the department for a year.

We did the same thing for 2007. We took almost half of the money paid out - used a little over half. The money transferred - and these numbers are all based on the 2006 budget figure - next year could bring it down to \$169,000. After that, it's just the increase in the wages which are almost identical to the police department. We are not talking a lot of money if this is implemented. We are not even talking 1/4 of a million dollars for a goal this size.

I hope this answers people's questions about these numbers.

R. Wheeler - Question - I'm trying to keep up with this plan and the difficulty I have - I'm not following clearly the transition between all or part-time to full-time.

How does that plan compare to the plan the chief put forward for 24/7, and what happens to the call force when you extract this volume of dollars from what they're accustomed to participating with?

M. Mailhot - Are we trying to push the call force aside? No. There's over \$200,000 in there. How many hours can a call force person work? Scheduled shifts - weekends - holidays. Also when we take vacations there are openings in the shifts.

Will we have a call person working on a shift? Every week we have call force people working with us.

Last year we staffed station 17 to keep it open with call people with part-time wages. As far as participation, training - how we train is during the day - the call force trains at night. Now the only time we meet together is at a structure fire.

I was on the call force for ten years before I became full-time. I have no issues with the call force, I work very well with them. When will they be added? That's an administrative thing. Do we need them at every motor vehicle accident? Not really. Structure fire? Yes. We had 25 call people working at the Addison Road structure fire.

If we're in Weare on mutual aid and Pinardville is on the phone, the officer on duty has a call out for people. The participation will still be there.

R. Wheeler - If I'm a call guy and I'm accustomed to filling in 2 or 3 times a week and this plan is adopted, how is my life changed and am I going to continue to want to be a call guy or am I being excluded from the process?

M. Mailhot - I got on the call force to help people. I don't think you're talking about anyone in New Hampshire being a call firefighter for the money. The participation has nothing to do with finances. The fire service is about helping people.

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Karen McRae called the previous question - it was seconded.

T. Wynne - Is this article binding?

B. Griffin - It's an appropriation article - if it's passed these moneys can only be spent for what's in the article on the warrant. As far as the appropriation of funds, it's a valid article.

The previous question passed.

(Article 30 will appear on the ballot as printed.)

ARTICLE 31 - (Moderator read it).

“To see if the Town will vote to require that, in order to be elected or to serve as a selectman, one must physically reside within the Town of Goffstown.

Submitted by petition.”

Charlie Carr moved the article and it was seconded.

C. Carr - This is an item that was in the proposed charter of 2004. There are several of these articles that are based on that because some people felt that although we didn't adopt the charter, there are some provisions we should consider. This was especially considered to be important when word got out that two of our selectmen were living out of town.

As far as finding a basis in the RSAs, there are several items there. In the opinion of most of us who signed this, they're insufficient. They only say that selectmen are required to retain a domicile in the town. They have to have a house here but they don't have to live in it.

It's believed by those of us who signed the petition that the selectmen should be required to live in town and if they live outside of town they should resign.

B. Griffin - Mr. Carr's statements are understood and I have enough from our legal counsel that this article seeks to do something that's not within the town meeting's legal authority.

State requirements for elected officials - this is not a home rule state and the statutory requirements of domicile will continue.

(Article 31 will appear on the ballot as printed.)

ARTICLE 32 - (Moderator read it).

“To see if the Town will vote to adopt provisions of RSA 40:14 to delegate the determination of the Goffstown Town Default Budget to the municipal budget committee.

Submitted by petition.”

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C. Carr - I'm not sure whether I want to move this or not. This article and article 33 have the identical propositions and there's just a little bit of difference. As far as the Municipal Budget Act, RSA 32, the town attorney has apparently determined that the more complicated one - which most lawyers do - is the most legal one.

I originally thought I would ask this body to pass over this to article 33 because why should we have two of the same thing on the ballot, but I was told I can't.

I'm not going to move this article. If nobody moves it, it goes away.

Moderator - Does anybody else wish to move article 32? No one did.

This is what I was talking about earlier about people putting in similar articles by petition and leading to confusion. I don't know what the legal issue of not moving this to the floor is - the law says if an article appears on the warrant, it must appear on the ballot.

My personal preference would be to see the ballot printed without article 32.

I'll ask the meeting - how many of you feel that the ballot should be printed without article 32? Of those present at this meeting, how many of you think that article 32 should not appear on the ballot?

Jeffrey Tate - How is this different than articles 22, 23, etc.? We didn't do any housekeeping on those, why on this one?

Moderator - The housekeeping should have been done but it wasn't. But this article wasn't moved to the floor - nobody cares about it.

D. Gagnon - If it was moved to the floor and somebody made an amendment to make it the same as the next article, and that passed, would both appear on the ballot? They're the same.

Moderator - We have the same thing on article 22. In my opinion, both will appear on the ballot.

J. Tate - If an article is submitted by petition, it's placed on the ballot as is, unless it's amended at this meeting, correct? (Answer was yes).

If there's no discussion and no amendment on it, it's automatically put on the ballot?

Moderator - That's what the law says.

J. Tate - It only has to be moved here to be discussed.

J. Caprio - Article 32 - I would suggest we do not have it read like article 33. the legislature specifies how it should read. If next month article 32 failed and 33 passed, it's probably better to go with 32? Let the lawyers say it's not legally binding.

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Moderator - Article 32 isn't on the floor and we all decided we didn't care if it's on the ballot or not.

M. Mailhot - I have a question - all the previous articles submitted by petition - will they appear on the ballot as printed?

I move that we restrict reconsideration on all of the articles up to 31 talked about tonight. Motion was seconded and it passed.

(Article 32 will appear on the ballot as printed).

ARTICLE 33 - (read it).

“To see if the Town of Goffstown shall adopt the provisions of RSA 40:14b to delegate the determination of the default budget to the Municipal Budget Committee which has been adopted under RSA 32:14.

Submitted by petition”

John Caprio moved the article to the floor, and it was seconded.

J. Caprio - Under the current situation the board of selectmen and not the budget committee determine the default budget.

In 2004 the legislature gave the budget committee the option to do it. I've also put a similar article on the school warrant.

1. Visibility and disclosure - The budget committee process is very open and highly detailed. There's no doubt that the budget committee will use the same diligence in calculating the default budget.

We may or may not get a default budget number from the governing body. We have not seen the DRA's spread sheet on the default budget for the past three years.

2. The governing bodies will calculate their default budgets in a manner that's friendly to them. On the other hand, consider the perspective of the budget committee through words of the Supreme Court. The court stated a tendency of each department to increase its budget. and called the budget committee an arbiter to maintain a tax load of manageable proportions. The budget committee serves as a moderating function.

3. Under the current situation, nobody, other than the governing body, participates and influences how the default budget is calculated. On the other hand, both governing bodies and the budget committee could participate together.

Voters should support this article and the one on the school's warrant.

J. Duffy - I have a procedural question. As the school district clerk, the school board has taken the position that this article requires a 3/5 majority. The school district's attorney said it does.

R. Wheeler I can share with you that the board of selectmen has had that discussion.

My recollection of the law is that it would require a 60% vote - the board needs to

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have a discussion and there will be a conclusion. We haven't done that yet. I suspect that the school board will take their vote.

J. Duffy - The school board actually printed it on their warrant as, a majority vote only, required. It was after that they said 2/3.

I spoke with Bud Fitch of the attorney general's office, and he suggested that the school board attorney contact him. I would suggest that the town attorney do the same before the ballots go to the printer.

Mark Germana - Is the budget committee in favor of this article?

D. Cloutier - As you heard from the selectmen, the budget committee would need to meet to discuss it. There's nothing I've read that says the budget committee came to a conclusion.

As chairman of the budget committee, if this assignment were given to us, we would do our due diligence and do the best we could for the town.

C. Carr - On behalf of the 32 people who signed my petition, I appreciate this article and I urge everybody to support it.

(Article 33 will appear on the ballot as printed).

ARTICLE 34 - (Moderator read it)

“ To see if the Town will vote, in accordance with RSA 32:15, to reduce the number of members of the Budget Committee from sixteen (16) to thirteen (13) members, of which nine (9) members are to be elected at large, three each year for 3-year overlapping terms. Four representatives shall be selected for one-year terms, one each from the selectmen, the school board, the Goffstown Water Precinct and the Grasmere Water Precinct.

Submitted by petition.

C. Carr - This was a provision in the 2004 proposed charter that some people thought should be preserved.

Also, it seems that the Budget Committee, being as large as it is, has longer meetings - and not necessarily more representation.

Quite often we elect a member or two to the Budget Committee by a few write-in votes, and those people who are drafted that way don't usually have as good attendance records and voting records, so maybe if we reduce the number we'll reduce that problem.

P. Manney - Would this article also require a 2/3 majority vote? (Answer was, we don't know).

J. Caprio - My apologies to Charlie Carr. I originally supported this and I was a member of the Charter Commission that was partially responsible for this actual item

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being in the charter. I've gone around full circle - the points that Charlie makes are valid, but I think by reducing the elected number of officials, you actually raise the rate of officials in the governing bodies and water precincts.

J. Sachs - I'd like to hear from some of the other budget committee members. If you have not enough people you can't get the work done; if you have too many people, everybody has to talk and it takes too long.

D. Cloutier - Right now, statistically we have three vacancies. We did have a full board, but people moved out of town. When you move out of town, you resign from the committee. We filled those vacancies.

It wouldn't make sense to take time from our deliberations to interview people. We've had a few volunteers; we have one serving on the board now. Right now we have nine members.

My concern with just a few votes - I would like to have people getting right in and getting elected by the people. If we continue to have the vacancies we don't have a full board.

It's a lot of work - we're out 3 - 4 times a week. It's been a long year. The school and town sides were both taxing.

I like the level we have now so we can act together and staff it fully so we can have more minds and more representation of the people's will on the board.

(Article 34 will appear on the ballot as printed).

ARTICLE 35 - *It was moved, seconded and passed to dispense with the reading of Article 35.*

J. Duffy moved the article to the floor and it was seconded.

J. Duffy - I served on the Charter Commissions in 1990 and 2005. Last year we went with a town manager and town council. At the time the selectmen chose to take a stand on the issue, which isn't something that was called for in the law we were following.

The charter went on the ballot and actually failed by 140 or 150 votes which I didn't feel was that much.

We're bringing it forward again now. We're being told it isn't legal because the law is silent and Barbara will be telling us that this isn't a home rule state.

After talking to many people in the DRA and the Attorney General's office, I found out that HB1106 basically says that this bill requires five years between the final report of one charter commission and the establishment of a new one, which I find outrageous.

I've heard that the selectmen have said this charter has some problems because the laws have changed. But we do have a provision which says if this conflicts with state law it would be determined to be superseded by state law.

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I work with the Town of Hooksett and I'm very familiar with their charter, and they have amended it seven times. It's a working document that needs to be amended as time goes on.

If the voters do decide to vote on this and it passes, I believe we'll pursue this further and have a court rule on whether or not it's legal, because there isn't any case law on it.

Sel. Hunter - The Secretary of State's office wrote us a letter:

"It's our belief that the charter adoption question from a prior meeting, from a prior warrant, is not appropriate.

"When a charter commission is defeated, we believe that the charter process should begin over again."

The Secretary of State feels we should check with the town attorney and we did, and he agrees with that.

J. Duffy - I understand that you have an opinion from the Secretary of State, and your own attorney. I'm just saying that the law is silent on this.

If the town would like to proceed in the direction of having a town council instead of a board of selectmen form of government, that they vote on this and we'll see where it goes from there.

R. Wheeler - In Goffstown, our legal fees have generally been lower than comparable communities. We may have changed that this year.

We have traditionally made an effort to resolve our differences without going to court whenever possible.

I believe that the Secretary of State has no ax to grind on this issue and gave a very professional opinion as to how he believes we should conduct ourselves. I believe there's wisdom in following that advice.

T. Wynne - We contacted the Secretary of State's office before we put this together and we were advised that this has never been done before. There's no law that says you cannot do this. So we're doing it.

So if the people say we don't want selectmen, we want a town council and town manager, it isn't binding until someone says it is, so maybe we should try it.

P. Manney - Last year in the process there were a couple of hearings and other ways of letting people know what this is about. This year there have been no public meetings - nothing.

I don't see how this could be legal without the value of a public meeting or notice.

Jason Sachs - I have some comments on the charter.

We have a charter from 1761 and it seems to have served our town very well. I think we should be proud of that.

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The charter itself - I'm against voting on it. If we have a case where, say the road program is a temporary thing - we're looking at a bond - I understand you can't have a bond - without positive input from the board of selectmen and the budget committee.

I'm not in favor of the increase. Right now we have a three-month window between Dec. and March. If we care about changes in the town, we can participate in the public process and during the rest of the year there's not much going on and if I had to pay attention for all 12 months, I don't know what I would do.

I understand maybe that a council is better in some ways, but I think what we have now is more democratic and practical.

My question for the selectmen - there are two changes between what we do now and the proposed charter, and changing from town administrator and selectmen to council and town manager.

If the charter had passed last year and you were on the council, do you think the governing body could do its job more efficiently or more or less efficiently?

B. Griffin - That question asks for an opinion, and this is my opinion. This is a petitioned warrant article and we've learned definitively that we can render an opinion on petitioned articles.

I don't know if my opinion is the same today - last year I voted for the charter . This meeting tonight has really been discouraging to me.

I'm for the firefighters. I'm probably the only member of this board who has used the fire service. I was trampled by a horse and had to be taken to the hospital. Also, there was a fire in the house and I called the firehouse. I have had the experience of using the fire department and I have been pleased with their service.

During the debate of the past six months, firefighters didn't look at me or speak to me, and they think I'm an enemy.

I'm happy to say tonight I've heard a lot less jeering. I was very disheartened because I and the other members of the board have been doing what we think is within our legal authority.

I would like to think that the fire department and its representatives who speak to the petitioned articles tonight with some figures feel the same - I think they did a very nice job.

I disagree with the figures. We don't have to have a discussion during the meeting tonight and we probably should have had it last night, but we couldn't get there.

Under a town charter form of government I think the discussion would be even more limited. Under town council there's only one person in charge of the departments and nobody gets to that person because that person has hired the other employees of the town, and that person is hired and/or fired by the town council.

You're probably not very happy with the board of selectmen, but you have the power to go and vote next month on two of the positions. If you had a town council form of government, you wouldn't get that opportunity.

Last year I hadn't had the experience I had this year. Today I don't think the charter is a good idea and I'm a little discouraged as a member of the board that's trying to keep down costs. I hope I've answered the question. We'll see how the voters feel

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next month.

J.Sachs - I wonder if anyone else would like to answer my question.

R. Wheeler - I'll take a quick shot. I'm hearing a sense from people that we're expressing ourselves and you should listen. I'm old enough to love and cherish the traditional town meeting where that expression really had some meaning.

People got up and expressed themselves for the most part, not quite as acrimoniously as this year, but sometimes it occurred. The people were there, they discussed, deliberated, decided - and that to me was the spirit of democracy.

As that body delegated its responsibility to others, that degree of democracy is reduced, and for my two cents, I think we're better served by retaining as much of that democracy as possible. I think with a town council form of government there's a greater delegation and you're relinquishing more of your rights.

(Channel 35 will appear on the ballot as printed).

A motion to adjourn was made in the audience, and there was a second. The motion passed.

Before the body adjourned, the crowd gave a standing round of applause for Selectmen Wheeler who is attending his last deliberative session.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

MARIE BOYLE
Town Scribe

Submitted Feb. 21, 2006