

**Town of Grafton
Deliberative Minutes
February 10, 2024**

Present: Steve Kudlik, Moderator, Bonnie Haubrich, Town Clerk and member of Budget Committee, Selectmen Steve Darrow and Leif Hogue, Attorney Matt Decker, Budget Committee Members, Ed Grinley, Sandy Griffin and Catherine Mulholland, Supervisors of the Checklist, Denise Smith, Susan Feinberg and George Curran.

Moderator Kudlik called the meeting to order at 10:10am, apologizing for the delay as he had to deal with an issue of a voter without an ID. He asked all to silence their cell phones and pagers. He then assigned Cindy Kudlik and Mitchell Briggs as counters. He outlined the rules of the meeting. He then asked the voters if they would allow nonvoters to speak on the issue. Ayes: 52 Nays: 2 Motion passed. Brian Fellers asked if this was a ploy to allow the Town Attorney to sway voters. Mr. Decker introduced himself and stated that he was not there to advise people on how to vote, but to inform the voters of the legal aspects and that his role was to remain neutral. Yaakov Abu (alias Jake) asked Mr. Decker if it was normal for him to attend Deliberative Sessions. Mr. Decker stated that he has attended Deliberative Sessions, although not for Grafton.

Moderator Kudlik read Article #2.

2) Shall the Town 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 the vote of the first session, for the purposes set forth therein totaling \$1,345,651. Should this article be defeated, the default budget shall be \$1,365,593, which is the same as last year, with certain adjustments required by previous actions of the Town of Grafton 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 budget only. It excludes special warrant articles and other appropriations voted separately.

General Government

Executive	\$72,304
Elections, Registration and Vital Stats	26,454
Financial Administration	40,275
Property Assessment	19,240
Legal Expense	20,000
Personnel Administration	29,360
Planning and Zoning	200
General Government Buildings	33,450
Cemeteries	11,700
Insurance Not Otherwise Allocated	174,111
Advertising/Regional Dues	1,680
Contingency	3,000
Subtotal	\$431,774

Public Safety

Police	\$198,937
Ambulance	19,450
Fire Department	40,850
Emergency Management	570
Other Public Safety	35,500

Subtotal		\$295,307
Highway and Streets		
Highway and Streets		\$432,300
Street Lights		4,000
Subtotal		\$436,300
Solid Waste		\$106,400
Health Agencies and Hospitals		\$9,200
Welfare Administration		\$14,850
Culture and Recreation		
Parks & Recreation		\$4,300
Library		20,620
Patriotic Purposes		300
Subtotal		\$25,220
Operating Transfers Out		
To Fiduciary Funds		\$26,600
<u>Operating Budget Total</u>	<u>\$1,345,651</u>	<i>\$1,355,651 as amended at Deliberative Session</i>

Selectman Hogue presented an amendment to Article #2 which read:

2) Shall the Town 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 the vote of the first session, for the purposes set forth therein totaling \$1,355,651. Should this article be defeated, the default budget shall be \$1,365,593, which is the same as last year, with certain adjustments required by previous actions of the Town of Grafton 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 budget only. It excludes special warrant articles and other appropriations voted separately.

Seconded by Selectman Darrow. Brian Fellers made a motion to go line by line. Ryan Huff seconded. Vote: Ayes: 4 Nays: 42 Motion failed. Selectman Hogue explained that there has been an ongoing legal suit regarding the taxation of PSNH poles and that the Board had recently notified that the suit is going forward and that each town's share of the legal bill would be \$10,000. The Board had not received the notice until after the budget had been finalized. Selectman Darrow explained that the suit is not being handled by Town Counsel and that the Town could lose a lot more than \$10,000 if they choose not to contest the action. Jake Abu noted that the default budget is actually higher than the proposed budget. Motion as amended, no further amendments or discussion. **Limit Reconsideration by Bonnie Haubrich, seconded by Heather Hunter. Ayes: 44 Nays: 2 Motion passed.**

3) To see if the Town will vote to raise and appropriate the sum of One Hundred thousand dollars (\$100,000) to be placed in the previously established Highway Department Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue explained that these are funds requested every year towards the purchased of new equipment. Gary Whitney asked what the balance in the Capital Reserve fund is presently. Sandy Griffin stated that there is \$159,000. Gary asked how much money is needed in the near future and if there was a plan on how the money would be spent. Ed Grinley, Budget Committee stated that it is the decision of the Selectmen how the monies are spent. Hogue that the Town presently owns a 30 year old grader and a 20

year old backhoe. He also noted that a new grader costs upward of \$400,000. Jake asked when and what was purchased previously from this account. Hogue responded that the newest pickup was purchased from these funds.

4) To see if the Town will vote to raise and appropriate the sum of seventy-five thousand dollars (\$75,000) for the purpose of paving town roads.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue stated that paving is very expensive and that the existing paved roads in Grafton are in need of repair. Ed Grinley stated that it is a misconception that this would cover a mile of paving; it would only cover ½ mile of paving. He also noted that in the past these funds were in the operating budget and then not used for paving, therefore the monies are in a Warrant Article to ensure it can only be spent for paving. Deb Clough stated that there had been \$40,000 in last year's budget but nothing was actually spent on paving. She also asked the Selectmen if it were true that the intent was to pave the dirt section on Turnpike to the bridge. Selectman Darrow said that was not the plan. Cindy Kudlik stated that there was actually \$60,000 in last year's budget for paving and not spent on paving and asked if that money had been encumbered. Selectman Darrow responded that the money had not been encumbered. Ed Grinley stated that the Road Agent had come before the Budget Committee and stated his plan was to pave that section of Turnpike Road. Selectman Hogue said that would be impossible as it would cost much more than that to just prepare it for paving.

5) To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the previously established Bridge Capital Reserve Fund, this sum to come from the unassigned fund balance. No amount to be raised from additional taxation.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue said that the unforeseen loss of another bridge in town would be very expensive. Jake asked if the Budget Committee recommendation was unanimous. Ed Grinley stated that it was.

6) To see if the Town will vote to raise and appropriate the sum of Fifteen thousand dollars (\$15,000) to be placed in the previously established Town Hall Repairs Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue said that the Town Hall needs a lot of work if the Town wants to keep it.

7) To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be placed in the previously established Property Tax Revaluation Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue stated that town wide evaluations are costly and it needs to be budgeted for. Brian Fellers stated that the Town does not need to do the evaluation every 5 years, as stated, it simply says shall. And that the State cannot mandate unfunded requirements. Selectman Darrow informed the voters that if the Town does not do the statistical update the State can force the town to do such. Jake interjected that he wanted to go back to Article #5. Moderator Kudlik refused until discussion was done with Article #7. Angus Gorman clarified that "shall" is a must, not an option. He also noted that when these evaluations take place everyone's property equalizes.

Jake noted that the recommendation by the Budget Committee was not unanimous as stated by Ed Grinley. He asked who opposed the Article. Bonnie Haubrich stated that she was one of the two who had not recommended it and that she was of the opinion that the budget was getting unaffordable for the taxpayers

and that this expenditure could be put off for a year. Selectman Hogue stated that it would not come from taxation, but the General Fund balance. **Motion to Limit Reconsideration for Articles #3 - #7 by Angus Gorman. Seconded by Emelia Cushing. Ayes: 41 Nays: 2 Motion Passed.**

8) To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be placed in the previously established Fire Department Apparatus Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Darrow stated that fire equipment, like highway equipment is very expensive . Buddy McDow spoke on behalf of the Fire Department and stated that a new fire truck like one we presently own costs approximately \$650,000 and increased approximately \$30,000 per year. Cindy Kudlik said that in the past the request was \$40,000 and asked why the Budget Committee only recommended \$10,000. Ed Grinley responded that the \$10,000 was what was presented to the Budget Committee.

Amendment by Buddy McDow as follows: 8) To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be placed in the previously established Fire Department Apparatus Capital Reserve Fund. Seconded by Rick Feinberg. **Vote: Ayes: 40 Nays: 2 Amendment passed.**

9) To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be placed in the previously established Recycling Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Darrow explained that the Recycling Center was built on top of a landfill and that many towns have been ordered by the State to seal these sights, which is very costly. Grafton has an Engineering Company who monitors the monitor wells and in the past the Town was obligated to test surrounding wells on private properties due to some leakage. Jake asked if the Selectmen have a rough estimate on the cost of sealing the landfill. Selectman Darrow responded that he did not have that information.

10) To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be placed in the previously established Veterans Park Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue stated that these monies would be used to replace the trees which are dying on the Common. Ed Grinley corrected him to say that the Williams family is donating the trees, but this would pay for Fox tree to actually do the work.

11) To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be placed in the previously established Historical Records Restoration Capital Reserve Fund.

The Selectmen recommend this article/The Budget committee recommend this article.

Selectman Hogue said these monies are used to restore historical records of the Town. Bonnie Haubrich, Town Clerk said that she still has approximately 42 books, but many of them are not in need of restoration at this time.

12) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Highway Department Capital Reserve Fund previously established in 1969. **(Majority vote required)**

Selectman Hogue said that Articles 12 through 17 will allow, if the need arise, the Selectboard to access funds without the need and expense of a special town meeting. Brian Fellers stated that this usually requires a 2/3 vote. Deb Clough responded that 2/3 is only necessary for repurposing. Steve Darrow, Selectman

agreed that this would give the Board more latitude to spend in an emergency. Deb Clough, Trustee of the Trust Funds stated that any type expenditure requires that the Trustees oversee the request.

13) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Ambulance Capital Reserve Fund previously established in 1999. **(Majority vote required)**

No discussion.

14) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Police Cruiser Capital Reserve Fund previously established in 1999. **(Majority vote required)**

No discussion.

15) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Fire Department Apparatus Capital Reserve Fund previously established in 2003. **(Majority vote required)**

No discussion.

16) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Roll-Off Truck Capital Reserve Fund previously established in 2017. **(Majority vote required)**

No discussion.

17) To see if the town will vote to appoint the Board of Selectmen as agents to expend from the Bridge Capital Reserve Fund previously established in 1982. **(Majority vote required)**

No discussion.

Motion to Limit Reconsideration Articles #8 through 17 by Angus Gorman. Seconded by Pam Curran. Ayes: 45 Nays: 2 Motion passed.

18) To see if the town will vote to establish a Police Department Special Detail Revolving Fund pursuant to RSA 31:95-h (c) ("Providing public safety services by municipal employees or volunteers outside of the ordinary detail of such persons, including but not limited to public safety services in connection with special events, highway construction, and other construction projects, or for any other public safety purpose deemed appropriate by the municipality") for the purpose of funding police special detail expenses, including wages, benefits, administrative costs, supplies, equipment, and vehicles. All revenues from fees, charges, or other income derived from the activities or services supported by the fund shall be deposited into the fund, shall be allowed to accumulate from year to year, and shall not be considered part of the Town's general surplus. The Town Treasurer shall have custody of all monies in the fund and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the legislative body (town meeting) to expend. Such funds may only be expended only for the purpose for which the fund was created. **(Majority vote required)**

The Selectmen recommend this Article

Mitchell Briggs, Police Chief, spoke on this Article. He noted that presently whenever the Town is required to pay for labor (ie construction, etc) it comes out of his operating budget and this would allow the funds to go into a revolving account and wages and necessary expensed could be charged to that account. Jake asked if the wages paid would be at the current rate or a special rate. Chief Briggs explained that there is a wage difference and payment would correspond appropriately. Matt Decker, Attorney explained the purpose and the logistics on how the revolving account works. Angus Gorman asked if only police officer could be paid from this account or could anyone, including police from other towns. Chief Briggs stated that only Grafton police officers could be paid from this account.

19) To see if the Town will vote to adopt RSA 41:14a to give the Select Board authority to acquire or sell land, buildings, or both, and to demolish or otherwise dispose of buildings after recommendation of the Planning Board and a Public Hearing.

The Selectmen recommend this article.

Selectman Darrow said that this Article simply gave the Board latitude for property in their possession. He further stated that there are no plans to demolish any buildings in Town and the Board would notify the citizens ahead of time. Deb Clough asked if the Planning Board has to recommend any demolition. Selectman Darrow said that the Board would certainly want the Planning Board's recommendation. Matt Decker, Attorney stated that the Selectmen would seek an opinion from the Planning Board but it would be advisory only and 2 public meetings would need to take place to proceed.

20) To see if the Town will authorize the Selectmen to appoint a Capital Improvement Program Committee, pursuant to RSA 674:5, to prepare and amend a recommended program of municipal capital improvement projects over a period of at least six years. The sole purpose and effect of the capital improvements program shall be, along with the budget advisory committee, to aid the Selectmen in their consideration of the annual budget.

Selectman Hogue noted that this is a way to plan for the future. Gary Whitney said that during his time as a member of the Planning Board he realized that the responsibilities are excessive and that to take on the logistics of forming a Capital Improvement Plan was too much for them so has actively been soliciting the Town to form a special committee, which the RSAs allow. Pam Curran asked if this would replace the Master Plan and if it was a duplication of work. Selectman Hogue noted that these are 2 different projects although they could work together. Angus Gorman stated that it would be advantageous to get more people involved. Brian Fellers stated that it would lead to zoning. Cindy Kudlik asked that if this passes would it be advisory only? Who would make up such a committee? Selectman Hogue responded that it would be appropriate for a member from each department as well as one Selectman. Selectman Darrow noted that it would be the responsibility of the committee to come up with a plan and that there was no intent of zoning and that the Capital Improvement Plan is prudent regarding large purchases.

21) Will the Town vote to raise and appropriate a sum of \$996,239 to construct a new library at 2 Library Road, also known as the "Gray Lot"; donated to the Town for this purpose. Funding to come from:

\$845,844 NH Community Development Finance Authority's Community Center Investment Program

\$88,390 Secured grants, Friends of Grafton Library funds, and pledges

\$27,005 Secured volunteer labor and services

\$35,000 Existing library improvement capital reserve fund

Further, to delegate the construction of the library to the Library Trustees. This article is null and void if CCIP Funds are not awarded.

NO ADDITIONAL MONEY TO BE RAISED FROM TAXATION. (By petition)

The Selectmen do not recommend this article/ The Budget Committee recommends this article.

Susan Feinberg presented an extensive overview of the process and funding application as well as the plans for a new library. Selectman Darrow stated that the Board does not recommend the Article as there had been plans made available to the Board until yesterday and that future costs will certainly increase greatly. David Hunter asked if the Town would be held responsible if monies fall short. Matt Decker, Attorney, responded, as drafted it requires no additional funds and a "null and void" clause is included. Discussion ensued regarding using "used timber and beams" and Deb Clough responded by saying that the timbers and beams have been evaluated by a professional carpenter who has experience with these issues. Much discussion ensued regarding the cost and commitment in the future as well as what happens

with the CCIP if the timeline is not met. Mary Gasioroski stated that this is not a new project it was first presented in 2015 and that there have been a few different plans presented. Selectman Hogue asked who would be responsible for the after school program. Mary G responded that there is grant money available and the school district is supporting transportation from school. Ryan Huff asked if the money was a forgivable loan or a grant. Deb Clough stated that it is considered a forgivable loan as a grant has many more restrictions but once the project is completed the loan is forgiven. Many people spoke on supporting the project as well as those against the project. Susan Feinberg noted that this risk is minimal as the CDFR wants the towns to succeed and that she had not seen anything in the guidelines in writing as regarding the timeline but she would followup with them. Deb Clough noted that the Library is facing the same issues it tried to remedy 30 years ago when Mary Gove was Librarian, 660 square feet, no water, and no bathroom. She encouraged people to come to the Library and look at the plan. Jake asked if the Town Counsel had been asked and paid for a legal opinion. Matt Decker, Attorney stated that he had reviewed the Article and it appears good and legal but his concern was the difference between a grant a forgivable loan and a bond. He further noted that the DRA may consider it as a loan, which requires additional processes and they may declare it illegal. Ryan Huff presented an amendment and seconded by Dan Moore which read, “21) Will the Town vote to raise and appropriate a sum of \$996,239 to construct a new library at 2 Library Road, also known as the “Gray Lot”; donated to the Town for this purpose. Funding to come from:

\$845,844 NH Community Development Finance Authority’s Community Center Investment Program’s forgivable loan

\$88,390 Secured grants, Friends of Grafton Library funds, and pledges

\$27,005 Secured volunteer labor and services

\$35,000 Existing library improvement capital reserve fund

Further, to delegate the construction of the library to the Library Trustees. This article is null and void if CCIP Funds are not awarded.

Vote: Ayes: 4 Nays: 40 Amendment Failed.

David Hunter expressed his concern regarding the legal hazards. Ed Grinley suggested changing the wording of the Article. Matt Decker recommended not doing so. Amendment by David Hunter and seconded by Heather Hunter which read, “21) Will the Town vote to raise and appropriate a sum of \$996,239 to construct a new library at 2 Library Road, also known as the “Gray Lot”; donated to the Town for this purpose. Funding to come from a grant in the amount of:

\$845,844 NH Community Development Finance Authority’s Community Center Investment Program

\$88,390 Secured grants, Friends of Grafton Library funds, and pledges

\$27,005 Secured volunteer labor and services

\$35,000 Existing library improvement capital reserve fund

Further, to delegate the construction of the library to the Library Trustees. This article is null and void if CCIP Funds are not awarded.

NO ADDITIONAL MONEY TO BE RAISED FROM TAXATION. (By petition)

Vote: Ayes: 8 Nays: 38 Amendment failed.

Jake asked who had actually written the Article. Andrew Cushing responded that he and Elaina Bergamini had submitted the petitioned Article and that they had passed it by the Local Government Center legal counsel. Discussion continued regarding liability, support and opposition regarding the difference between a forgivable loan and a grant. Susan Feinberg suggested that the language be left as is and let the law dictate. Brian Fellers called the question. **Motion to Limit Reconsideration Articles #18 through 21 by Dan Moore, seconded by Angus Gorman. Ayes: 43 Nay: 1 Motion passed.**

22) To see if the voters will subdivide the property known as the East Grafton Union Church and parsonage (tax map 12, lot 1153) and sell the vacant parsonage to abutter Andrew Cushing (tax map 12,

lot 123). The buyer agrees to increase both the church and parsonage lots to the minimum two acres and pay all related legal and surveying expenses. The purchase price shall be informed by a mutually-agreeable third-party appraisal, minus the value of the church's increased lot size. The buyer agrees to restore the house and return it to the tax rolls. **(By petition)**

Andrew Cushing who submitted this petition Warrant Article explained his plan for the "parsonage". He noted that he is the only abutter and it would put the building back on the tax rolls. He noted that it needs attention as the roof is in disrepair. Selectman Darrow noted that the East Grafton Church has been put into the hands of the Grafton Historical Society and noted what an excellent job had been done in its restoration and further noted that he did not know what the right solution is. He said he would like to see it restored. Amendment by Brian Fellers which read, "To see if the voters will sell the Town dump to Andrew Cushing. The buyer will agree to pay all legal fees when the state ignores its previous promises and eventually return it to the tax roles." Moderator Kudlik refused to consider this amendment. Ryan Huff questioned how many properties this involved. Andrew stated that 2 parcels were merged in the '80s. Ryan Huff stated that it would be to the benefit of the Town to get rid of risky property. Brian Fellers asked if the law required it to be auctioned off. Matt Decker, Attorney, stated that it did not need to go to auction as long as a reasonable and legal approach is taken.

23) To raise and appropriate the sum of thirteen thousand dollars for the purpose of having the C and D container also known as the Demolition container be brought back to the recycling center for use by the town residents. **(By petition)**

The Selectmen do not recommend this article/The Budget Committee recommends this article.

Selectman Hogue stated that \$15,500 was spent last year for C and D. He further stated that Hammond may no longer take C & D in the future and that Lebanon was very expensive. Ed Grinley said that the Town spent \$11,000 last year not \$15,500 and that if the Town doesn't accept C & D it will be the job of the Highway Department to clean up the back roads where it is dumped. Pam Curran asked if the Town should increase the cost to accept C & D. And if so, what would that cost look like. Ed Grinley said the cost could increase and not sure how much. Cindy Kudlik suggested the Town purchase a scale and charge accordingly.

Bonnie Haubrich asked the audience to join her in thanking Steve Kudlik for his service to the Town, who is retiring after the March election.

Meeting adjourned at 1:10pm.

Respectfully submitted,


Bonnie J. Haubrich
Town Clerk