

TOWN OF NEWBURY
Annual Town Meeting
March 12, 2024

Deputy Moderator Finneral called the meeting to order at 11:00 a.m. The ballot boxes were examined and confirmed to be empty.

ARTICLE 1. To choose all necessary town officers for the ensuing year.

Motion was made and seconded to adopt Article 1 as read. No discussion followed.

ARTICLE 2. To act upon amendments to the zoning ordinances proposed by the Planning Board.

Motion was made and seconded to adopt Article 2 as read. No discussion followed.

Deputy Moderator Finneral opened the polls at 11:05 a.m. Voting commenced.

Deputy Moderator Finneral closed the polls at 7:00 p.m. Counting of ballots commenced. Results of the ballot vote are as follows:

Selectboard – 3 Years
Scott Wheeler – 235
Alison Kinsman - 124

Moderator - 2 Years
Theresa Lavoie - 315

Town Clerk/Tax Collector – 3 Years
Linda Plunkett – 359

Trustee of Trust Funds – 3 Years
Debra Prussman – 329

Trustee of Trust Funds – 2 Years
Tara Faunce – 305

Library Trustee – 3 Years (vote for 2)
Jeanne Palleiko – 187
Sharon Stockel – 143
Lynne Tuohy – 213

Supervisor of the Checklist – 6 Years
Debra Prussman - 324

Cemetery Trustee – 3 Years
Knowlton Reynders – 305

Planning Board – 3 Years (vote for two)
Richard Wright - 268
Christopher Millette - 232

Zoning Board of Adjustment – 3 Years
Patricia Sherman - 292
Larry A. Briggs – 275

Planning Board Proposed Amendment No. 1
Yes – 247 No – 78

Planning Board Proposed Amendment No. 2
Yes – 175 No – 161

Kearsarge Regional School District – 1 Year
Newbury: Derek D. Lick – 301
District-wide: Derek D. Lick – 2,695

Question 1
Newbury: A – 100 B – 93
District-wide: A – 1,822 B – 973

Question 2
Newbury: Yes – 256 No – 94
District-wide: Yes – 2,404 No – 764

Question 3
Newbury: Yes – 259 No – 90
District-wide: Yes – 2,500 No – 744

Business Meeting March 13, 2024

Selectperson Lord thanked all departments, organizations, Vail Resort and towns people for their contributions to the annual business meeting. She especially recognized and thanked the Newbury Beautification Committee for the excellent Ham and Bean Dinner prior to the meeting. Ms. Lord addressed communication issues from the March 4, 2024, Selectboard meeting and apologized to any member of the public who felt they were denied to speak. She spoke highly of Eric Unger, RIP, for his contributions to the town as a board member, steward and most recently a financial contributor through his will; she informed the voters that Selectperson Schultz, although present, will not be speaking due to laryngitis; and she introduced the Town's newly elected Moderator, Theresa Lavoie.

Moderator Lavoie opened the meeting at 7:05 p.m. and led the Pledge of Allegiance.

Theresa Lavoie, Moderator, advised the voters that voter cards and paper yes/no ballots should have been picked up from Supervisors' table at the entrance. She read the Moderator's Rules followed by calling for a vote on the rules.

VOTE on Moderator Rules: All in favor. Moderators Rules were adopted as read.

ARTICLE 3: To see if the Town will vote to raise and appropriate the sum of \$6,107,938 as the Operating Budget for general municipal operations. This amount does not include appropriations contained in special or individual articles addressed separately. (Recommended by the Selectboard) (Majority vote required)

Selectperson Lord made a motion to adopt Article 3 as read. Selectperson Wheeler seconded the motion. Discussion followed.

Diane Ricciardelli, Town Administrator, provided a power point presentation to compare the 2023 operating budget to the 2024 proposed operating budget and explained the significance of fund balance. The Department of Revenue recommends 5% - 15% of total annual appropriations to be retained for emergencies. Due to the amount of money in the town's fund balance, the Selectboard opted to save the fund balance and not use any of the money in the fund balance to offset the municipal portion of the tax rate. The proposed 2024 budget is an increase of \$508,235.00 which is a 9% increase from 2023. Ms. Ricciardelli pointed out the itemized budget on page 17 of the 2023 Annual Town Report and reviewed the increases and decreases on each line.

Bradley Wheeler, Police Chief, spoke on the Police Department budget. He thanked the town for the new police station voted in last year. The newly renovated space is much appreciated. Increases in the police budget are mainly due to insurance and retirement costs and the transition of the administrative assistant from part-time to full-time.

Henry Thomas, Fire Chief, explained the increases to the Fire Department budget. Mainly the increases were due to replacement of airbags for the rescue trucks, and the increase in emergency calls result to an increase in payroll. There is a change of staff in the fire department and more people are becoming involved in training, which also increases costs.

Art Burritt thanked Chief Thomas for his years of service as Fire Chief for the town of Newbury.

Alan Scribner asked if Chief Thomas could give an update on the \$800,000 tanker that was purchased two years ago.

Fire Chief Thomas stated that the truck is in process, but there is a wait to get onto the assembly line. There is a long wait for parts and supplies for all types of emergency vehicles. Updates will be made on the website. It will probably be over two years before delivery. The pricing was locked in, so there will be no increase in price.

Calvin Prussman, Highway Administrator, explained the increases in the Highway Department budget. The new cab and chassis that was ordered last year is in and being outfitted. The one-ton dump truck was purchased right off the lot, so there was no waiting. The bottom budget line is 7% under because of block grants, purchasing extra culverts when the price was low, and the milder winter helped preserve the stockpile of sand. About 2/3 of the budget increase is due to health insurance and wages, the other third is operating budget.

Stacey Fogwill, a Newbury resident, and Kearsarge Regional school bus driver thanked and commended the Highway Department for taking good care of the roads.

Sally Haber asked if the Highway Department had ever considered natural alternatives to salt and sand.

Cal Prussman stated that they did try some alternatives but found they were not as effective.

Gail Bostic, Family Services Director, explained the increase in the welfare budget is not a definite. She informed the voters that there were more calls for assistance in January and February 2024 than all of last year. She encouraged people to donate to the food pantry; or if it would be easier, write a check to the South Newbury Union Church Food Pantry.

Laurie Seaholm suggested that perhaps a food drive could be coordinated for next years' town meeting and elections.

Diane Ricciardelli informed voters that there are sign-up sheets for volunteers to help with parks and recreation activities and Old Home Day on the table at the back of the meeting room.

Leah McBain, Librarian, thanked everyone for supporting the library expansion. She explained the increases in the library budget were due to increases in salaries, supplies, cleaning, bookkeeping, telephone lines, technology upgrades and acquisitions due to increased usage.

Katheryn Holmes, Conservation Commission Chair, stated the conservation commission has been very busy working with DES and educating people on best practices to protect the waters of Newbury. The Conservation Commission has also been busy planning a Natural Resources Inventory in 2024. She stated meetings are open to the public and all are welcome to attend.

Alan Scribner asked if the balances on the bonds are carrying a one-year interest rate and what is the maturity and rate.

Diane Ricciardelli stated the information is in the Annual Town Report.

Jessica Dennis, Finance Director, explained that the payments on the bonds are more because the town is now paying on a third bond. In 2023, the Town was only paying on two bonds, this year there are three bonds. The interest rate did not change.

Diane Ricciardelli quoted the reserve balances for each capital account are shown on page 26 of the 2023 Annual Town Report.

Steve Boulanger commended the efforts to keep the budget down but observed that this budget is a 9% increase over last year and 15% increase over what was actually expended last year. He mentioned that this seems like an extremely excessive increase and should be reduced.

Dick Wright commented he would like to remind the voters that last year and the year before the Town voted for a new police station, fire department and library. So, the bulk of those increases are probably in direct correlation to those projects. Also, Mr. Wright had a question regarding revenue resources pertaining to the old Highway Garage. He went on to explain he was shown proof of \$117,250.00 and a copy of the settlement statement showing balance 114,212.00 after real estate agent fee of \$7,500.00. However, the Revenue Sources listed in the Town Report shows \$148,055.00 for the sale of the property which leads to his question, where is the \$33,700.00 +/- (the difference between what is reported in the town report and the settlement statement)

Diane Ricciardelli stated she cannot answer that question off the top of her head and suggested Mr. Wright stop by her office, and she will provide a detailed accounting of the transaction and revenues which is available to anyone who is interested in seeing the detail.

Stephanie Spaulding asked if the Special Revenue Fund was for the Blodgett Landing Sewer and wasn't the Solar Array supposed to decrease the operational costs of the sewer.

Mary Fuller explained the solar array has been installed and went live October 14, 2022. It has been operating properly, and to date the Town has saved approximately \$2,000.00 on the its energy bill.

Stephanie Spaulding also asked for an explanation as to why the Capital Outlay figures changed from 2022 to 2023.

Jessica Dennis, Finance Director, explained that one of the articles last year did not pass; consequently, the capital outlay is less.

Stephanie Spaulding expressed her last concern regarding the Operating Budget publication. Although the presentation by Ms. Ricciardelli was very informative, NH RSA 39:2 states ... 'this is to assure that the subject matter of all business to be acted upon or voted upon at the Town Meeting shall be distinctly stated in the warrant'. Her understanding is that everything reviewed tonight should be in the actual warrant article within the pink pages and not referred to pages 17 and 18 or a different page in the Town Report.

Diane Ricciardelli explained when she submitted the reports to the Department of Revenue Administration, they requested that the Town NOT include all of the detail on the warrant. Following tonight's meeting, a statement will be attached and forwarded to the DRA to inform them what was officially approved by the town line by line. That will become the town's official submission to DRA.

Stephanie Spaulding remarked nonetheless, for the past 25 years that she has attended the annual Town Meeting the operating budget and appropriations have always been itemized out in a spreadsheet as part of the warrant article. She asked if she could make an amendment to include the itemizations that comprise the \$6,107,938.00 within the warrant article like it always has been.

Diane Ricciardelli stated that Ms. Spaulding can make the amendment but is not sure if it can be added in since the DRA has requested that not be done. Ms. Ricciardelli said she will discuss the request with the town's attorney.

Moderator Lavoie instructed that amendments will be recognized when the presentation on Article 3 is complete.

Diane Ricciardelli projected the tax base value to be \$1,202,624,767.00. After adjustments are made for credits and revenues the projected municipal tax rate will be \$3.92/\$1000.00. This is a \$0.12 increase from last year. She reiterated that the municipal portion is only one of four parts comprising the tax rate.

Moderator Lavoie opened the discussion up to questions, comments, and amendments.

Stephanie Spaulding made a motion to amend Article 3 to state exactly what is written in the existing warrant article on the pink page 13 and include the detail on pages 17 and 18 of the 2023 Annual Town Report: The Proposed Budget of 2023, The Actual Budget of 2023 and the Proposed Budget of 2024 beginning with General Government on page 17 through Bond Issuance Costs of page 18 and to include Special Revenue Fund (Blodgett's). Motion was seconded by Joy Nowell. Discussion followed.

Stephanie Spaulding explained that per RSA 49:2 we are only voting on what is on the pink pages of the warrant. Whatever is not included in the warrant as written on the pink pages, is not being voted on. We were only referred to pages 17 and 18 which are NOT warrant articles.

Dick Wright commented that the question comes down to does the town follow the RSA's or does the town follow a recommendation by the DRA. Historically the detail has always been part of the warrant article. Voters need to see the itemized expenditures in the warrant article. The future warrants and town reports should show the same layout as previous years' reports.

VOTE to amend Article 3: Majority in favor. Article 3 was amended.

Bill Syvertsen commented that he has lived in Newbury for many years and has watched the population and the government grow. Governments should be serving the people, not the people serving the government.

Bill Syvertsen called the question. Karalyn Obey seconded.

VOTE on calling the question. Majority in favor

VOTE on Article 3 as amended. Majority in favor. Article 3 passed as amended.

ARTICLE 4: To see if the Town will vote to raise and appropriate the sum of \$300,000 to be added to the following previously established capital reserve funds: (Recommended by the Selectboard)(Majority vote required).

FIRE EQUIPMENT	\$130,000
HIGHWAY EQUIPMENT	\$150,000
RECREATION FACILITIES	\$ 20,000

Selectperson Wheeler made a motion to adopt Article 4. Selectperson Lord seconded the motion. Discussion followed.

Selectperson Lord explained that every year the town puts money into these capital reserve accounts, and the funds increase yearly so the departments can draw on the funds as needed without dramatically affecting the tax rate.

Bill Syvertsen commented that he believes the departments should have what they need. However, the budgets are quite high already and the town should not keep adding money beyond a certain amount.

Selectperson Lord reported the fund balances as follows: Fire Equipment \$411,484.11; Highway Equipment \$455,508.71; and Recreational Facilities \$133,125.40. She reiterated that these funds are savings that help keep the tax rate stable when the town is hit with large expenditures in these departments.

Cal Prussman mentioned as a point of interest that a new grader is now costing \$750,000.

Dan Wolf mentioned that the town has been prudently putting funds aside for many years to avoid having to raise large amounts suddenly through taxation.

Laurie Seaholm asked what activities are being done and what expenses are incurred in the Parks and Recreation Department. It appears there is a very large budget and not a lot going on.

Diane Ricciardelli stated that \$20,000 for Recreation Facilities is part of the Capital Reserve Plan but she is not sure exactly what it is for other than future needs.

Wayne Seaholm commented that the money that is being put into the separate line items is so we don't have to come back and pay large amounts out of taxation. There are also funds so that Fishersfield Park can be developed and maintained. Additionally, it would be nice to build a baseball field in the future.

Polly Lowe advised the Town should not write checks and let go of funds for items the town does not have in its possession. She explained there was a check written for approximately \$750,000 for fire equipment in order to receive a \$33,000 discount for paying up front, in the

meantime the town lost more money than it saved in interest. That spending was not fiscally responsible.

Dick Wright agreed expendable trust funds are a good idea. He suggested, again, the volleyball court be converted to a pickle ball court. Some of those funds could be used for that conversion while the prices are more reasonable.

Bill Syvertsen estimated that 5% or less use the recreational facilities at Fishersfield. Governance should not be asking 100% of the people to pay for facilities used by 5% or less.

Dan Wolf commented that all of the funds are maintained by Bar Harbor Trust Management. Page 27 of the Town Report shows the breakdown of the funds and the interest each is earning.

Dan Wolf made a motion to call the question. Lynn Wallace seconded the motion. Vote to call the question: Majority in favor.

VOTE on Article 4 as read: Majority in favor. Article 4 was adopted as read.

ARTICLE 5: To see if the Town will vote to raise and appropriate the sum of \$106,000 to be added to the following existing RSA 31:91-a maintenance expendable trust funds previously established: (Recommended by the Selectboard)(Majority vote required).

DOCKS	\$ 3,000
TOWN OFFICE EQUIPMENT	\$15,000
TOWN BUILDINGS	\$50,000
MILFOIL CONTROL	\$ 8,000
FD PERSONAL PROTECTION	\$30,000
PAVING AND GRAVEL	\$ 0

Selectperson Wheeler made a motion to adopt Article 5 as read. Selectperson Lord seconded the motion. Discussion followed.

Selectperson Wheeler reviewed the details of the existing and proposed balances as listed in the town report.

Katheryn Holmes commented that the Town should be using timers and thermostats on the bubblers around the town docks.

Selectperson Wheeler agreed and remarked that the town bubblers have been vandalized in the past and were not replaced this year. It is the intent of the Selectboard to repair and/or replace the equipment as necessary for next year.

Shannon Perry commented that paving and gravel is important to fund and should be taken seriously. It has been said there is not enough material to fix the gravel roads. School buses and delivery trucks cannot get down Southgate Road, and one vehicle was even stuck in the road all night. There are also emergency services that are at risk due to the condition of the road. The

town should not have to pay to add gravel to the road every year. If the road was paved, that annual cost would eventually be realized. We should appropriate more money to fix the roads so the town is not called out to respond after each rain storm.

John Rogers commented that he lives on Southgate Road and has been tempted to make repairs with his own tractor. He suggested using some of the money airmarked for the other funds in this article for things that aren't so emergent for roads. Shifting the funds would be a way to mitigate the urgent need of road repair without drastically impacting property taxes.

Cal Prussman said the paving and gravel fund in this article was set up after the Mother's Day floods in the event of a natural disaster. That fund has a cap of \$300,000.

Stacy Fogwill made a motion to call the question. Karalyn Obey seconded the motion. Vote on calling the question: Majority in favor.

VOTE: Majority in favor. Article 5 was adopted as read.

ARTICLE 6: To see if the Town will vote to establish an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the Police Department Technology & Specialized Equipment Fund, for the purpose of repairing, upgrading, replacing, or acquisitioning technology and specialized police equipment, including electronic device and appropriate software and accessories, weapons, armor, and accessories as used to protect life and property, and specifically excluding vehicles and vehicle maintenance, and to raise and appropriate the sum of \$18,000, raised by taxation towards this purpose and to designate the Selectboard as agents to expend from said fund. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Lord made motion to adopt Article 6. Selectperson Wheeler seconded the motion. Discussion followed.

Police Chief Wheeler explained the last few years things have been breaking down and equipment is expiring. Consequently, he ends up using the equipment line item for something we weren't prepared for. This fund would allow the police department to address these issues without having to impact the operating budget.

Stacy Fogwill made a motion to call the question. Karalyn Obey seconded the motion. Vote on calling the question: Majority in favor.

VOTE: Majority in favor. Article 6 was adopted as read.

ARTICLE 7: To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of police special detail wages, benefits, administrative costs, supplies, equipment, police cruiser fuel, maintenance, and repair. All revenues received for police special details will be deposited into the fund, and the money in the fund shall be

allowed to accumulate from year to year and shall be considered part of the town's general fund balance. The town treasurer shall have custody of all moneys in the fund and shall pay out the same only upon order of the Selectboard and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Wheeler made a motion to adopt Article 7. Selectperson Lord seconded the motion. Discussion followed.

Police Chief Wheeler stated that there has been a line item for Private Details since he began working for the Newbury Police Department which is in the event Eversource or another organization needs traffic and/or parking control. The line for Private Detail hovered around the \$6,000.00 range. The person or company requesting the private duty officer then reimburses the Town for the officer's time, and that money goes into the general fund even though the salary comes out of the Police Department budget. This article asks that the reimbursed money goes back into the police department budget to offset the expenditures incurred for that duty such as salary, fuel and wear and tear on vehicles.

Taylor Beaudry asked if Eversource or the vendor can write a check directly to the Police Department.

Jessica Dennis answered, No and explained that the Police Department does not have its own bank account, it is part of the Town's budget. Therefore, the Police Department cannot accept revenues directly.

Stacy Fogwill made a motion to call the question. Karalyn Obey seconded the motion. Vote on calling the question: Majority in favor.

VOTE: Majority in favor. Article 7 was adopted as read.

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of \$54,639 for the purchase and outfitting of a new 2023 Dodge Police Pursuit AWD vehicle and furthermore authorize the Selectboard to sell at public auction the existing 2019 Ford F150, the estimated amount on the sale is expected to be \$12,000 to offset this purchase. The balance will be raised by general taxation. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Lord made a motion to Adopt Article 8. Selectperson Wheeler seconded the motion. Discussion followed.

Police Chief Wheeler explained that the police department has not asked for a new vehicle for two years in a row although one has been needed. Currently, the Town is in desperate need of a new police car. There is one at Grappone Ford right now that is going to cost more to repair than what it is worth. There have been many issues with the Ford F150. It is very difficult to find a

vehicle. There is a place in Massachusetts, Colonial Ford, that can locate a 2023 Dodge Durango and can outfit it with lights and decals.

Elaine Eaton recognized the many types of reserve funds the Town has and asked why the Town does not have one for the Police Department to help fund new vehicles and other costly purchases.

Dan Wolf commented that several years ago the Town decided not to put money into this fund because every year or every other year the Town was buying a new cruiser, and it was not a long-term investment like a fire truck or highway truck.

Polly Lowe suggested that the Town should have a reserve fund to cover new vehicles as needed.

Alan Scribner asked where the \$12,000.00 for the asset sale is being applied.

Jessica Dennis explained the \$12,000 is going toward the purchase price of the new vehicle.

Steve Boulanger suggested broadening the definition of what was passed in Article 6 by adding this amount from Article 8 to an expendable trust fund for police equipment and technology instead of having separate specific articles and trust funds.

Moderator LaVoie explained Article 6 cannot be amended because it has already been passed. The rules that were voted on and accepted at the beginning of the meeting stated no article will be reconsidered.

Stacy Fogwill made a motion to call the question. Karalyn Obey seconded the motion. Vote on calling the question: Majority in favor.

VOTE: Majority in favor. Article 8 was adopted as read.

ARTICLE 9: To see if the Town will vote to adopt the Newbury Community Power Plan, which authorizes the Selectboard to develop and implement Newbury Community Power as described therein (pursuant to RSA 53-E:7). There is no cost to the Town budget, and no obligation to participate. The goals of this plan will be to lower electricity costs and possibly add more renewable energy. The Newbury Community Power Plan offers flexibility for ratepayers. The Town will not enter a community power plan until the rates are lower than Eversource at the time of commitment and all residents will be placed in the plan. All residents will be able to choose from different program options as well as the option to opt out of the program. (Recommended 2 to 1 by the Selectboard) (Majority Vote Required)

Selectperson Wheeler made a motion to adopt Article 8. Selectperson Lord seconded the motion. Discussion followed.

Mary Fuller, Energy Committee member, explained that community power is a statewide program that allows communities to buy electricity on behalf of its residents and small businesses. There are over 70 cities and towns who have already implemented this initiative or are in the process as Newbury is. The objective of the program is to save money over Eversource's supply rates and to give people the option to increase the amount of renewable energy in their supply. Three things to consider 1. It does not cost the town anything to implement the program; 2. Eversource does not go away. They will still be responsible for the poles and wires, and billing. It does not impact their earnings or responding to outages or other trouble calls; 3. If you vote yes today, but decide not to participate, you'll have the choice to stay with Eversource. She emphasized that this is a voluntary program. If it is approved tonight, the company will move everyone who is on Eversource later in the summer *unless you opt out*.

George Kalopolitis asked how much savings there would be with Community Power.

Mary Fuller explained the savings will depend on the rate that gets locked in. No community has been locked in longer than a year. Eversource changes their rates every six months.

Sharon Stockel commented that she contracted with a company similar to Community Power at her home in Connecticut and has no problems with the service.

Scott Warde commented that he does not want the government involved in his power bill. This program is not fair to seasonal property owners who will automatically be switched over and may not know to opt out. Government and/or committees should not be making choices for the rest of us.

Mary Fuller explained there is no way to tell what the rates will be until June. Eversource customers will get a card in the mail to fill out and return to indicate opting in or opting out. The Town would not contract with Community Power unless their rates beat Eversource's rates.

Tracy Wood pointed out that voting NO on this Article takes choice away; voting YES gives everyone a choice to opt in or opt out.

Wayne Seaholm stated he is personally against passing Article 9. He commented that half of Keene is one power company, the other half of the town is serviced by Eversource. The Eversource half is lower than the other power company. Also, Texas power company could not get enough power on the last quarter of the contract, so they had to outsource at a higher rate. Most power companies sell at 90-day increments. Consumers always have the choice to contract with a different electric company.

Mary Fuller commented that New England is not like Texas. Texas does not have an independent system operator.

Art Burritt asked for clarification if he understood correctly that the only reason a customer would be changed to Community Power is if they ignored their notices; and can a customer switch at any time?

Mary Fuller explained the power would/could be switched over the next time Eversource reads electric meters after the agreement is signed. She stated there would be no changes with solar or other providers other than Eversource. A broker would be making recommendations to the Selectboard on price and timing of the switch. The Energy Committee can also provide advice to the Selectboard, so the Selectboard is not overwhelmed.

Greg Sargent commented that he currently has a third-party electric supplier, and now Eversource is cheaper. He asked how he could opt in to Community Power.

Mary Fuller stated people with third-party suppliers need to call Eversource to opt in. Community Power has no control over other suppliers.

Clyde Bacon asked where renewable energy comes from, solar panels, windmills, etc.?

Mary Fuller stated Community Power will NOT be constructing any windmills.

Dan Wolf clarified that Eversource does not create power, it only transmits power. He reiterated that YES to Article 9 gives people a choice; No to Article 9 takes choice away.

Dan Wolf made a motion to call the question. Mr. Wright seconded the motion. VOTE: Majority in favor. A hand count was taken.

VOTE on Article 9 as read: YES – 161 NO – 60 Article 9 was adopted as read.

ARTICLE 10: To see if the town will vote to establish a Transfer Station Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of repairing and improving the Transfer Station and to raise and appropriate the sum of \$10,600 to be placed in the fund. The sum comes from the unassigned fund balance. No amount to be raised from taxation. Further, to name the Selectboard as agents to expend from said fund. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Wheeler made a motion to adopt Article 10. Selectperson Lord seconded the motion. Discussion followed.

Selectperson Lord explained that last year the town allotted money to the transfer station. All of the money has not been completely spent, so the Selectboard is asking to put the remaining \$10,600 into a Capital Reserve Fund so that it can carry over and be spent as needed for maintenance and repair.

Elaine Eaton asked if the Town already has the money, then why does it need a special fund in order to be able to spend it for the transfer station.

Selectperson Lord explained if the funds are not used within the year, then whatever is left over goes into the general fund. By putting it into a capital reserve fund, it can only be used for that specified purpose.

Stacy Fogwill made a motion to call the question. Karalyn Obey seconded the motion. Vote on calling the question: Majority in favor.

VOTE: Majority in favor. Article 10 was adopted as read.

ARTICLE 11: Petitioned Article. To see if the Town shall return to the traditional NH Constitution Part 2, Article 32 method of hand counting ballot votes by the Town Moderator and Town Clerk in the presence of the Town Selectboard. (By Petition) (Not recommended by the Selectboard) (Majority Vote Required)

Selectperson Lord made a motion to adopt Article 11. Selectperson Wheeler seconded the motion. Discussion followed.

Claire Ketteler introduced herself as one of the concerned citizens of Newbury regarding the ballot counting machines. She explained that the machine used by the Town of Newbury was purchased in 2006 and the model is being phased out due to old technology. The State of NH has approved a few vendors to provide new ballot counting machines for a cost of approximately \$7,000.00 and an annual contract/maintenance fee. The Town opted to not purchase a new machine for the elections this year. In 1979 the NH Legislature gave the Selectboards the authority to purchase ballot counting machines. The signers of this petitioned warrant Article 11 believe it should be up to the voters of the town to decide if a ballot counting machine should be used at our elections. Hand counting is done in about 100 NH towns including Warner and Sutton. Some hand-count towns have larger populations than Newbury. There is no way to verify the end count results by the machine unless there is a recount, which can only be done in very narrow circumstances. The Secretary of State report of a special committee on voter confidence in December 2022 stated that the State of NH should “provide voters with an ability to verify the machine results are accurate”. Our elected officials take an oath of office, and it is their duty to count the vote, which is spelled out in the 1784 NH Constitution. Ballot counting machines have only been used for approximately 20 years in Newbury’s history. Some people suspect that there is an algorithm in the programing of some machine counts that is not detectible at the time of vote testing and may give incorrect results. The cost of a hand-count would not cost the town as appears to be indicated in warrant Article 12 since the Selectboard and the Moderator earn a stipend that does not change for the number of hours worked at an election. The Town Clerk is paid a salary which also does not change for the number of hours worked. The issue comes down to trusting people in your town to hand count accurately, which is an open process observed by people of all political parties including Undeclared voters. Ms. Ketteler advised the voters that there is a request pursuant to RSA 40:4-a for a secret yes/no ballot on warrant Article 11. Also, there is an amendment proposed to Article 11 in response to feedback at the public meeting on warrant articles. Ms. Ketteler explained this amendment would allow the Moderator to appoint additional qualified voters to assist in counting ballots.

Claire Kettler made a motion to amend Article 11 to read ‘Newbury shall return to the traditional NH Constitution Part 2, Article 32 method of hand counting election ballots by

the Town Moderator and Town Clerk, and others as appointed by the Town Moderator, in the presence of the Town Selectman.” Mr. Wright seconded the motion.

**VOTE on amending Article 11: Majority against. Amendment did not pass.
Discussion on Article 11 as originally proposed continued.**

Liz Tentarelli pointing out that Newbury is one of 135 towns across NH that use ballot counting machines. Most of the 103 hand-count towns are significantly smaller, but not all. She commented that after many years of confident use, the ballot counting machines are now being scrutinized due to the results of the 2020 Presidential Election and the doubt by some that the election results were true even after lengthy investigations by the Attorney General’s Office with no findings of election miscounts. The organization that is provoking this movement presents a confusing video showing miscounts of ballots. There are several studies that show human error and fatigue in hand-count elections are more likely to cause errors in election results. Ms. Tentarelli informed the voters that David Brooks’ study in 2021 showed the machines had a 99.4% accuracy. She advised voters that the machines are kept locked in a secure location, tested before each election, NOT connected to the internet, and the Secretary of State conducts random audits, and recounts are easy to call for since there is a paper ballot back-up. If there is an unreadable ballot or a ballot with a write-in, the machine will drop it into the hand-count write-in side of the ballot box to be viewed by the moderator to determine voter intent. Ms. Tentarelli urged voters to vote No on Article 11.

John Gedeminsky stated that the prior speaker suggested the voters trust the machine. He explained that he has over 50 years of experience in computer software profession with a specialty in database systems where the security, integrity and accuracy of data was paramount. During that time, he architected, designed, programmed, and tested numerous software applications. Mr. Gedeminsky stated that during his career he encountered computer generated fraud; but more importantly, incorrect or inaccurate results that were only detected from a system that was “tested”. The errors were only discovered when a human took the information and separately verified the information with their own eyes. Ballot counting machines also lack the verification process. It is a black box that you can trust, but not verify. When the results from the 2020 Windham election were audited, a different number was reported every time the ballots were run through, even after being run through different machines. It is up to the moderator to determine the intent of the voter. In day-to-day life, we are always checking and verifying information. The best example is Google’s AI Image Generation Application, GEMINI. If you still trust putting your ballot into a machine to be counted and recorded without any human notification, vote No. On the other hand, if you feel your ballot is important enough that you trust your fellow citizens of Newbury to accurately count your ballot, then vote Yes.

Robbin MacVittie commented that the NH Constitution calls for voting. There is currently a lawsuit pertaining to voter integrity. The NH Constitution calls for the Moderator to count the votes and if the legislature did change this on a temporary basis and we have had counting machines ever since, for this to be constitutionally verified according to our NH Constitution we should not be using the counting machines unless the voters decide to do that. The NH State Constitution should be amended to allow for the legal use of ballot counting machines in State elections.

Sally Haber asked voters to think about how many times they go to an ATM machine to take cash out. A careful person will also count their cash before they walk away.

Cindy Peterson, Election Official, commented that yesterday during the election many people opted for the hand count slot in the ballot box. Those ballots were hand counted at the end of the day. Many more were cast through the ballot counting machine. At the end of the day, the machine prints out a report of all ballots that passed through the machine. The paperwork at the end of the day is very detailed and needs to be reconciled. The total ballots cast plus the total ballots uncast (including spoiled ballots, hand count ballots, write-in ballots, etc.) must equal the total ballots received. Another factor that needs to be added to the count are the absentee ballots. Yes, the machine counts the votes, but the people are also counting and reconciling at the end. So, if the machine miscounted, the number would not reconcile. At the election yesterday, we were right on and balanced as it has been for each election since 2012 when Ms. Peterson stated she began as an election official. There has never been a problem in the Town of Newbury. To ask people who have been at the election since 6:00 a.m. to stay until after midnight, is a lot to ask. If you compare the names of the ballot clerks and elections official, there are only a handful that stay year to year, so to presume the process will be adequately completed by volunteers is naive. She asked voters to please think about that when voting on Article 11. She urged voters to vote No.

Bob Wilkonski said he fact-checked Ms. Tentarelli's number of hand count towns and found she was correct that 103 towns in NH still hand count their elections. There are some towns that are double Newbury's number of voters that still hand count for accuracy and evaluation, Bradford and Warner included.

Jim Schultz commented that he has had 48 years of experience in computer software development, testing and design. He stated his last client was running a payroll system for 350,000 employees in the State of NY. There were many systems that had to be very accurate. We depend on machines for many aspects of our day-to-day life. We need to put our faith in our officials and in the process. He urged voters to vote No on Article 11.

Dick Wright cited some history on the Accuvote machine. He stated Accuvote machines were introduced in 1989 and have been declared obsolete and slated to be replaced by a newer version which at this point has not been tested by the State of NH. The president of LHS associates which is a repair company of the machines said the company may not be able to complete testing of the machines for the 2024 elections and NH is a small portion of Dominion's business and they do not consider NH a priority. LHS Associates have committed to maintaining the old voting machines through 2024 but lack of parts is critical since the Accuvote machine has not been made since 2008. Direct quote from Joe Silvestro "I will never guarantee to support Accuvote through 2024 or any other specified date. I have always said we will do our best to support them for as long as we can. I have a limited number of parts to make repairs, but I remain in contact with other regional vendors to source additional materials if they are indeed available." A new machine will cost approximately \$7,000.00 and approximately another \$1,000.00 in maintenance each year. After a discussion with a person who spoke with the Secretary of State, the sense was the new machines will be good because anyone can go in and

check the accuracy of the software. That tells me anyone could go in and hack the machine, too. A machine is good, but results need to be verified. You can program it to do anything you want it to, including report inaccurate data.

Clyde Bacon commented that using a paper ballot is the favorite of some people. Grocery stores and other retail stores use machines to count. If people had to wait for grocery stores and retail stores to hand count our sales slips, they would be non-existent. He encouraged people to vote No on Article 11.

Motion was made and seconded to call the question. Vote on calling the question: Majority in favor.

Moderator LaVoie advised the voters that a request was made for a secret yes/no ballot vote. She instructed the voters to use the orange-colored ballot in their packet for Article 11. The meeting was briefly recessed for voters to cast their ballots.

ARTICLE 12: Shall the Town vote to raise and appropriate \$5,000 to allow the Town to pay for the hand counting of ballots by the Town Moderator and Town Clerk in the presence of the Town Selectboard. This article is contingent on Article 11 passing. If Article 11 fails, this Article shall be null and void. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Wheeler made a motion to adopt Article 12. Selectperson Lord seconded the motion. Discussion followed.

Dan Wolf made a motion to move Article 13 as the next order of business. David Rhodes seconded the motion. Majority in favor.

Article 12 was passed over until the count on Article 11 was complete.

ARTICLE 13: To see if the Town will vote to enable the Selectboard to protect all our watershed in the Town of Newbury by implementing septic rules to require all owners in the Town to regularly pump their septic systems with varying requirements for the type and use of each property. The purpose of these rules is to promote the health and general welfare of the inhabitants of the Town of Newbury; to enhance and preserve the value of our lakes, ponds, and natural environment to conserve the value of buildings, ground water, wells, health, and prevent nuisances and potential health hazards. (Recommended by the Selectboard) (Majority Vote required)

Selectperson Lord made a motion to adopt Article 13. Selectperson Wheeler seconded the motion. Discussion followed.

David Rhodes explained there was a committee formed to look at a proposed septic warrant article and proposed septic rules for Newbury's watershed. The watershed is composed of 36

square miles of ponds and lakes and 2 ½+ miles of streams. Mr. Rhodes narrated a PowerPoint presentation. Everything in the watershed drains into our streams, lakes, and ponds. Runoff often contains pesticides, fertilizers, road salts, sand and more. Also, contamination from septic systems is E.coli, phosphates, detergents, viruses and more. There are several things that can go wrong in a septic system. There are pipes that come from the house to the tank and pipes from the tank to the leach field. Sometimes the pipes get old and can become disconnected, roots grow in them, and blockages happen. On a normally functioning system, there are multiple fluids in the tank. There should be an equal amount of scum, black water, and sludge. If you do not pump your tank, the sludge will rise up and flow out of the system. Also, what can happen is the sludge will rise and push the scum layer out into leach field. These issues can arise from poor design, hardware failures, installation problems, non-maintenance. Eventually the system will fail. Usually failing systems are obvious as soggy ground or a system back up. There can also be systems that fail slowly and leach out into the ground and get into the water shed. Currently there are no pumping or inspection requirements in Newbury. When other towns implemented pumping, on three-year cycle, there was 20 – 50 % systems found to be in failure. Most of them are due to lack of maintenance/pumping. In the second three-year cycle, the failures dropped to 5%. Proper inspections and pumping on a regular basis are a good way to avoid failure and contamination of the watershed. Mr. Rhodes quoted data from other communities that have had successful implementation of septic system rules. Statistics show that a decrease in water quality equates to a decrease in property values and a decline in the local economy which results in lower tax revenues for the municipality. There are statistics that show a one-meter decrease in water clarity equates to a 1%-6% decrease in property value or \$200.00 per frontage foot. The implementation is contingent upon the passage of Warrant Article 13. If Warrant Article 13 passes, the Selectboard will appoint a committee to fine-tune the rules and support staff to carry out the process. If the Selectboard votes to approve the rules proposed by the committee, the rules will then become an ordinance. At that point, the town will continue to implement and monitor the rules to make sure they are working properly and efficiently. The Town of Sunapee implemented their rules through the health officer by an edict. Newbury's Selectboard did not want to implement rules by edict and wanted the voters to decide whether to have septic rules. Voters are being asked to enable the Selectboard to implement septic rules to regulate and monitor the pumping of septic systems. Mr. Rhodes explained residential and long-term rental and commercial buildings without commercial kitchen systems would have to be pumped once every three years; short term rentals and buildings with commercial kitchens would be once every year. Site assessment requirements under current law, if you sell a waterfront property, you are required to have your septic system inspected. That inspection is given to the new owner of the property for informational purposes. The proposed rules would require that the Town would also receive a copy of the inspection report on waterfront properties. Waivers are optional for all properties. Voting Yes tonight gives authority to the Selectboard to come up with the final rules and staff with protocol to manage the database. This would require no new hires and no new software.

Dick Wright prefaced his remark saying he is in favor of the concept and it is a very good plan and thanked the committee for their hard work; however, there are issues. Nobody seems to know who would compose the final version of the septic rules – if it would be an unelected committee, the Select board, Planning Board, Zoning Board, Code Enforcement, Health Officer, or Town Administrator. There were also no answers to questions regarding costs or enforcement

or fines. He commented that at this point in the draft, these proposed rules should not be passed. The Selectboard could call an additional Town Meeting later in the year for a vote on the final version of the septic rules with all questions answered. Mr. Wright stated that if there is no money involved, the Town does not need approval by a judge.

Jim Schultz asked what category the town properties would fall under for pumping frequency.

David Rhodes explained that the Town would follow the same rules based on whether or not the building in question had a commercial kitchen. The Veteran's Hall would have to be pumped and inspected every year since they have a commercial kitchen; or the Veteran's Hall could request a waiver.

Jim Schultz asked who would set the non-compliance fines.

David Rhodes stated that the committee was asked by the Selectboard to create a warrant article to get a consensus from the Town to determine if they want to go in this direction. The details will need to be worked out prior to implementation of the rules. Fines would be determined by the Selectboard and be on a separate document so they can be adjusted as necessary, the same as the land use regulations.

Elaine Eaton commented that she does not agree with the three-year requirement, not every property needs to be pumped every three years and others may need it more often. The waiver process is too ambiguous.

Michael Bedard commented that there is a very big difference between a septic tank being pumped vs. inspected. During the discussion, both pumping and inspecting were referenced. He asked for clarification if this article is for pumping or inspecting. Mr. Bedard stated he agrees with Mr. Wright that the details of the rules should be finalized and then brought to the town for a vote.

David Rhodes said this is a PUMPING regulation. When a system is pumped, visual inspection results are given to the homeowner. As proposed right now, Article 13 is asking for a certificate or a receipt that the system was PUMPED, not proposing an inspection.

Bill Syvertsen commented that the simplest solution would be to mail the EPA's guide, 'How to care for a septic system' to the homeowners. He emphasized it is better to educate than regulate.

Alan Scribner asked how the Air B&Bs would be categorized, commercial or residential.

David Rhodes stated there is no choice but to initially rely on trusting in the honesty of the homeowner. This proposal is about septic systems, not land use.

Katheryn Holmes commented that a lot of people are missing the point of this suggested warrant article. She stated that Lake Sunapee is currently in decline. There is a lot of building and impact around the Lake, and we are trying to come up with solutions to improve the water quality and stop the decline. Failing septic systems do negatively impact the Lake. This

proposal is only taking steps to help protect and preserve the environment, the proposal is not about letting the government interfere in your life. These rules were prepared by regular citizens and your neighbors just asking everyone to come together and step up and help maintain a clean watershed and bodies of water.

Steve Howard commented he was going to read a statement of support from the Lake Sunapee Protective Association but chose not to since everyone seems to understand the purpose, and all agree nobody wants to be swimming and drinking other people's stuff. It is common sense to get your system pumped, but sometimes life happens, and we forget or lose track of time. These are simply guidelines to help keep us all on track. He stated that he encourages people to vote in favor of the rules and trusts in the Selectboard to do what is best for the Town. He encouraged the voters to go to the Selectboard meetings and become more involved and trust in the officials that have been elected.

Scott Warde commented that he agrees we all love the lake and our natural resources, but there is no local data. Most of the tanks and homes around the Lake are underutilized. He stated that he would like to see proof that there are issues with leakage coming from Newbury residences; and, if Newbury has a problem, then to what degree. He pointed out that if people don't maintain their own systems, then the systems will fail, and they will pay.

Jack Kutner commented that this Article is trying to get a perspective on what Newbury voters want to do. The Town of Sunapee implemented their rules by edict. Our Selectboard said they would not implement septic rules by edict; they felt this issue should be aired out and discussed at a Town Meeting and decided upon by the voters. This is not government overreach; it is quite the opposite. The issue is town wide, not just around Lake Sunapee.

Steve Peterson asked for clarification regarding the purpose of the Warrant article; is the purpose to give the Selectboard the green light to move forward to make the rules or are we voting on these actual rules.

David Rhodes explained that this Article will give the Selectboard the authority to write rules and then the Selectboard will vote to enact those rules. During the process there will be postings, committee meetings and public hearings for input. If this warrant article passes, the Selectboard would vote on and implement the final version of the rules.

Bill Syvertsen suggested that the issues creating the problems around the lake should be identified and fixed at the source.

Joy Nowell recognized that we all want what is best for Newbury, but we also need to know exactly what is being voted on. These regulations should go through the correct channels of the land use boards that are given authority under RSA Chapters 672 through 677. We all know septic issues are important and need to be taken care of, just do it the right way. This is a wonderful idea. She encouraged voters to vote No today and sort it out correctly for passage at a later date.

Mark Wood made a motion to call the question. June Fichter seconded the motion. All in favor.

VOTE on Article 13: Majority against. Article 13 was not adopted.

Moderator Lavoie announced the results of Article 11.

VOTE on Article 11: Yes – 38 No – 163. Article 11 was not adopted.

Article 12 was permanently passed over per prior discussion.

ARTICLE 14: To see if the town will vote to authorize the Selectboard to take all necessary steps for a lot line adjustment between the South Newbury Union Church, 162 Village Road, Tax Map/Lot #0043-0174-0434 and the Town of Newbury, 7 Sutton Road, Tax Map/Lot #0043-0408-0162, to transfer land to allow the Church's septic system to now be located on Map/Lot #0043-0174-0434. (Recommended by the Selectboard) (Majority Vote Required)

Selectperson Lord made a motion to adopt Article 14. Selectperson Wheeler seconded the motion. No discussion followed.

Motion to call the question was made and seconded. All in favor.

VOTE: Majority in favor. Article 14 was adopted as read.

ARTICLE 15: To transact any other business that my legally come before said meeting.

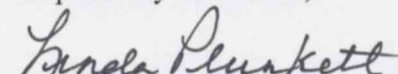
Stacey Fogwill commented that she would like to discuss the petition that she presented to the Selectboard regarding fireworks that was signed by 68 town residents that want to keep fireworks at Old Home Day.

Selectperson Lord said Fireworks will be placed on the next Selectboard Meeting's agenda for March 18, 2024.

Selectperson Lord thanked all workers and volunteers for their time and effort to hold the Town Meeting.

Motion was made and seconded to adjourn. All in favor. Meeting adjourned at 11:30 p.m.

Respectfully submitted,


Linda Plunkett
Town Clerk