

The meeting was called to order at 7:00 p.m. at the Raymond High School Media Center by Vice Chairman Norman Weldy. Members present: Dick Wood, Jack Barnes, Frank Bishop and Greg Bemis. Also present: Town Manager Rick Bates.

Public Forum

Lyman Hammond came forward and asked about the loader at the transfer station, it used to be housed inside the building. Now it is not available to the Town anymore, how come? Town Manager Bates responded that he would get an answer for Mr. Hammond and get back to him.

Peter Buckingham came forward and asked the Selectmen if they could give him a guestimated tax result from the election that has happened. Town Manager Bates stated that the estimated figure is a total of \$3.80 and that includes the school and town portions. 16 cents is allocated to the Town, 42 cents is the petitioned articles and the balance is from the school. Town Manager Bates stated that this is from memory. Town Manager Bates also stated that he does not do the estimate for the school, but based on what was on the warrant and the school gave him a quote and the total came up to \$3.80. Town Manager Bates corrected the figure to be \$3.82.

Vice Chairman Weldy asked for anyone else wishing to speak in public forum? Hearing none, he closed the public forum.

New Business

Vice Chairman Weldy introduced the two new Selectmen, Frank Bishop and Greg Bemis. Vice Chairman Weldy asked Jonathan Wood to come up and the Board gave a presentation to Mr. Wood and thanked him for his dedication and service to the Board of Selectmen.

The election of officers then was held.

Selectman Barnes nominated Selectman Weldy for Chairman, seconded by Selectman Bishop. Vice Chairman Weldy asked for any other nominations, hearing none, the nominations for Chairman were closed and Vice Chairman Weldy asked for a vote. Nomination passed unanimously.

Chairman Weldy then asked for nominations for Vice Chair. Selectman Bishop nominated Jack Barnes and Chairman Weldy seconded. Chairman Weldy then asked for any other nominations, hearing none he closed the nominations for Vice Chairman. Chairman Weldy then asked for a vote. Nomination passed unanimously.

Chairman Weldy then stated the Boards and Committee appointments will be done.

Raymond Board of Selectmen – Committee Assignments

March 2004-March 2005

Community Committees Member	Board Member	Alternate Board
Budget Committee	Jack Barnes	Dick Wood
Cable Committee	Dick Wood	Greg Bemis
Conservation Comm.	Frank Bishop	Norm Weldy
Planning Board	Frank Bishop	Greg Bemis
Solid Waste/Recycling	Jack Barnes	Norm Weldy
Recreation Advisory	Greg Bemis	Dick Wood
Zoning Board	Norman Weldy	

Sub-Committees Member	Board Member	Alternate Board
Capital Improvement	Dick Wood & Jack Barnes	Greg Bemis
Industrial/Community Development	Jack Barnes & Norm Weldy	Frank Bishop
Police Union Negotiations	Norm Weldy & Jack Barnes	
Southern NH Planning	Dick Wood	
Highway Safety Comm.	Norm Weldy	
Historic District Comm.	Norm Weldy	

Citizen Request for a Special Town Meeting

Chairman Weldy stated that before this is started, he wanted to make sure everyone understood that this would not be a debate. This is for informational purposes only. The

Selectmen will take it under advisement. If you have a question, it will go through the Chair to the person.

Joyce Wood wanted to make sure the Board knew about the Ethics booklet and when a public servant should recuse themselves.

Norm polled the Board to make sure no one had a problem listening to the information without any preconceived notions of what is going to happen. Frank – no problem; Dick– no problem; (Dick stated that it was up to the individual’s conscience to make sure there was no problem) Jack asked to speak and stated that the NH RSA’s were violated by what happened; Greg – no problem; Jack – no problem.

Chairman Weldy then went on with the meeting.

Mr. Buckingham spoke about his concerns, much of which was gone over at the last Selectmen’s meeting. Mr. Buckingham thanked the Selectmen for dealing with this matter in such a forthright manner. Mr. Buckingham stated that he had told the Selectmen that he would be back before the Selectmen if Warrant Articles 9, 30 and 39 did not pass, asking for another election. Article 30 needed a 60% vote to pass that. That vote was not even close as far as the citizens of the Town were concerned. This vote was so far off that Mr. Buckingham has accepted it and will not challenge it. Mr. Buckingham feels that Article 9 remains a problem and he wishes a new election for it.

Chairman Weldy then opened this up for questions to either Mr. Buckingham or the Board.

Selectman Barnes asked Town Manager Bates what he found out today regarding this issue. Town Manager Bates stated that they were trying to come up with a schedule of how this could happen, a time-frame of how we could procedurally get this accomplished. In the process of procedurally going through it, legal counsel had to go through and answer all of the questions and make sure that each one of the questions were answered before you could get to the next step. What they found was that RSA 675:4 sets forth how petition zoning amendments are to be enacted. The statute states, in relative part, “Petition amendments shall be voted on only at the annual town or village district meeting”. Thus, as a threshold matter, the petition zoning amendment presented as Article 9 to the annual town meeting, may not, as a matter of law, be presented to a special town meeting. The prohibition against presenting petition zoning amendments to a special town meeting does not apply to zoning amendments which are submitted by the Town. Town counsel recommends the Board of Selectmen acknowledge the legal impossibility of presenting the petition zoning amendment to a special town meeting and take under advisement the manner in which town submitted zoning amendments may be so presented. Town counsel stated that they could have a more formal opinion about the legal procedure of how, if the board so chose, how this could get back in front of the voters, if that is the Board’s wish.

Town Manager Bates stated that his suggestion would be to take it under advisement, listen to comments from people in the audience if they so choose, let legal counsel lay out the road map of how the Board could get this back in front of the voters, if that is the Board's intent. Town Manager Bates stated that this information should be provided to the Board by the meeting of the 21st.

Selectman Barnes suggested to the Chairman that the Board listen to what the people have to say and table it until the 21st. Chairman Weldy agreed.

Peter Buckingham requested a copy of the letter from legal counsel from last week and the letter from tonight. Town Manager Bates stated that those letters were attorney/client privilege and could not be given out. Mr. Buckingham stated that last week's letter was read at the meeting and he could get what was said by viewing the tape. Town Manager Bates stated that Mr. Buckingham could do so if he wished.

Mr. Buckingham went on to state his concerns, in that he did not get notice of this new development until just a few hours ago. Mr. Buckingham also stated that he was told that there would be no public input on this tonight as it was an agenda item.

Mr. Buckingham stated that this is not a good situation. He stated he is trying to work with the Selectmen, but the bottom line still remains that he wants to avoid court costs for the Town and himself as much as the town wants to, but that still remains an option for him regardless and he is assuming that some remedy can be agreed upon in a few weeks from what he is hearing right now. Mr. Buckingham asked if his assumption is correct? Town Manager Bates stated it is up to the Board if the Board wants to take public comment or not take public comment. Selectman Barnes stated he feels the Board should take public comment. Chairman Weldy stated that he would like to table this hearing until the 21st, to give Peter a chance to bring his people and everybody else that is out there will all have the same amount of time to voice their concerns. Chairman Weldy asked how the Board feels about it? Selectman Bishop stated he would like to know why the Town Manager told Mr. Buckingham that there would be no public input? Town Manager Bates stated that he does not know that he said that. Town Manager Bates stated he asked Mr. Buckingham if it could be put on as an agenda item, rather than in the public forum, the public comment section. Town Manager Bates does not have any recollection that he actually specifically said there would be no public input. That is never the case, there is always public input. If that is the impression that Mr. Buckingham got, Town Manager Bates stated he was sorry, but Town Manager Bates' conversation with Mr. Buckingham was to ask him to take it out of the public comment forum and put it in as an agenda item because if it is going to have action to it, it should be a part of the agenda. Selectman Barnes stated that this needs to be addressed next week when the information from the lawyers is available, but Selectman Barnes feels that these folks have come down here and they should be given a chance to be heard. They can come down next week also. Mr. Buckingham stated that he does not want to interfere with the right of the citizens to speak. It was okay with Mr. Buckingham to let them speak tonight. Chairman Weldy asked Mr. Buckingham if he felt comfortable continuing with this tonight and Mr. Buckingham stated yes.

Chairman Weldy opened the public comment section with the knowledge that no decision would be made tonight, it would be held over until the 21st.

Mr. Buckingham stated that he hoped the Board would make sure that if this matter does go to another election, that the Board make sure it is widely publicized.

Selectman D. Wood stated that he wanted everyone to know that if this does go forward to another election that it would have to go through the same process the original election did. It would have to go for a hearing before the planning board, which has to be publicly noticed. It has to go back to a deliberative session, which has to be publicly noticed and it has to go through a vote and the polls at the voting have to be open for 12 hours, as they were the last time, because it has to mirror the original election, so there is going to be plenty of publicity between now and the time the vote takes place between those three items. Mr. Buckingham asked if the warrant would have to be the exact same warrant? Town Manager Bates stated that that may not be the case. It is not going to be the same warrant because it potentially cannot be a petition article. It will be a planning board article. Town Planner Craig Wheeler stated that a distinction needs to be drawn between a citizens petition, which is what Peter came forward with. What Town Counsel is outlining is that you cannot do what Mr. Buckingham is asking for with a citizen petition. Otherwise, anyone irrespective of Mr. Buckingham and this particular situation right now, the Town could be forced, except for this RSA, anyone could continually, through citizen petition, ask for a town meeting in order to change the zoning and this is very specific to zoning and zoning districts. The attorney, in his letter, also goes on to say that it would no longer be a citizen petition from Mr. Buckingham, it would be a petition from the Selectmen and/or the Planning Board. The description of which could be Mr. Buckingham's exactly the way it was, could be other language, could be a new zoning district, could be a whole menu of other zoning options that the Selectmen and the planning board would hear. What needs to be understood at this juncture, it is no longer a citizen petition. Mr. Buckingham asked that this could no longer be the same thing that he put forth? Town Planner Craig Wheeler stated that is not what he said. The Selectmen could choose to have it exactly the way it is. Mr. Buckingham stated yes, but they could choose to have it totally different. Town Planner Craig Wheeler stated yes. Selectman Bishop asked Town Planner Wheeler if the Board did not authorize another town meeting and it went to Court, what do you suppose the judge would say under the circumstances? Town Planner Wheeler stated he did not know, he could not answer that. Mr. Buckingham stated that the Board may find out.

Several residents came forward to give their comments and concerns.

Cheryl Killam came forward to read a letter to the Board of Selectmen (Copy on file with the Town Clerk's Office).

Bob Kawalchuck came forward. He has lived in Raymond for 20 years. He explained that he was one of the first people to purchase land off of 156, which is where Article 9 is. When he purchased the land he was told by the realtor that that was bordering conservation land and he was also told by the Town Manager at the time, that it was all

conservation land, that there was nothing anybody could do and then five years later, they are going to be building quarries back there? Mr. Kawalchuck presented a Citizen's Petition to the Selectmen. The petition is against a special election for Article 9. (Copy of the Petition is on file in the Town Clerk's Office).

Sherry Brox came forward to speak. She explained that she is not advocating for either side. However, she believes the smartest, cleanest thing to do is to have it on the ballot next year.

Colleen West-Coates came forward and stated she has gone over past budgets to find out exactly how much this process would cost the town. Ms. West-Coates' estimate was about \$1,800 to \$2,000 to run both another deliberative session and another election. Town Manager Bates stated that the estimate given by Town Clerk Doris Gagnon was about \$1,100. Ms. West-Coates asked if that estimate included have a police officer present and Ms. West-Coates inquired if that was a required item. Town Manager Bates stated, no it did not include that and yes it is a requirement.

Further comments and concerns by residents were heard.

Chairman Weldy stated that this matter will be heard again as an agenda item on Monday, March 21st at the Board of Selectmen meeting.

Chairman Weldy called for a five minute break.

Chairman Weldy reconvened the meeting.

Presentation for Proposal of Economic Development

The members of the Economic Development Committee gave a presentation and outlined what the charge of the committee would be. (Copy on File with Town Clerk's Office).

The Board thanked the members of the Committee for their efforts in bringing this forward. It was decided that this will be brought back during a work session with the Board of Selectmen.

Recount of Article 17

There will be a recount of Article 17 tomorrow, March 15th at 4:00 p.m. at Torrent Hall.

Unfinished Business

Newsletter Policy

Town Manager Bates has a draft policy for the Board to look over and give their suggestions. Town Manager stated that he has taken out the *On The Common March*

issue and also has put in that the Town Manager will review all articles before publication.

Motion by Selectman Barnes to accept the policy.

Joyce Wood asked if there would be public comment on this issue? Selectman Barnes reminded the Chairman that there is a motion on the floor.

Motion seconded by Selectman Bishop.

Mrs. Wood expressed her views on the newsletter policy.

Town Manager Bates asked Chairman Weldy if this matter could be tabled in order to get outside organizations input. Town Manager Bates stated that a notice can be sent out to other organizations along with the draft policy.

Selectman Barnes asked Town Manager Bates would be sent a letter? Town Manager Bates responded that there is a list of regular contributors to the newsletter.

Selectman Barnes removed his motion from the floor. Selectman Bishop removed his second.

Motion by Selectman Bishop to table this matter until further input can be obtained, seconded by Selectman Barnes. Motion passed unanimously.

The Board of Selectmen gave their report.

The Town Manager gave his report. Town Manager Bates stated that there has been a new union formed and certified among Town Office employees. A discussion followed regarding the union and who was eligible.

There was no correspondence to go over.

Motion to adjourn by Selectman Barnes, seconded by Selectman Bishop. Motion passed unanimously.

The meeting adjourned at approximately 9:45 p.m.

Respectfully submitted,

Kathy L. Cramer
Executive Secretary/Selectmen's Secretary