

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

Chairman Weldy led a salute to the flag and held a moment of silence for departed citizens.

Public Forum

Joyce Wood, 11 Forest Road, came forward and read into the record a letter addressed to the Board of Selectmen (Copy on file with the Town Clerk).

Dwight Barnes, owner/operator of McDonald's in Raymond came forward and wanted to inform the residents of Raymond that the McDonald's has recently undergone renovations and they are going to celebrate the renovations with an open house on Saturday, March 26th from 11:30 a.m. to 1:30 p.m. Mr. Barnes invited the Board of Selectmen to come down and join them. There will be a ribbon cutting ceremony at 12:00 that Mr. Barnes would like the Board of Selectmen to participate in. Mr. Barnes also stated that a donation to a local organization of the Board's choosing will also be presented. Mr. Barnes requested that the Board let him know what organization that would be.

Bob Kawalchuck came forward and presented another page to add to the Citizens Petition he filed with the Selectmen last week. He also stated that he felt that the Selectmen did not listen to what the petition had to say as they continued to speak about how they could make a new election happen.

Sherrie Brox asked if anyone will be able to speak when the Board comes to the agenda item about the project. Chairman Weldy stated that there would be an opportunity for input from residents.

Chairman Weldy then closed the public forum.

Petition to Amend Pole Licenses

Chairman Weldy opened the public hearing on the Petition to Amend Pole Licenses.

Chairman Weldy stated that the Board will now conduct a hearing on a Petition to universally amend the licenses the Board has issued for poles and conduits in the public rights-of-way, to require payment of properly assessed property tax, as required by New Hampshire law. The Board received the Petition on 28 February 2005, from Denise O'Grady, a resident of the Town. I will not read the whole Petition out loud, because it is lengthy, but there are copies available.

Attorney Sharon Somers stated that she believes there was evidence submitted by the petitioner, and stated the Chairman might want to address that at this point.

Chairman Weldy stated yes, Ms. O'Grady submitted a letter to the Board in support of the petition and Chairman Weldy read that letter into the record (Copy on file with Town Clerk).

A discussion followed with regard to the pole licenses and legislation in Concord.

Chairman Weldy asked if anyone would like to speak with regard to this matter. Chairman Weldy asked if there were any current license holders in the audience? There was no response.

Bob Dunn, an attorney with the law firm of Devine, Millimet & Branch in Concord and he was in attendance at the meeting representing The New Hampshire Electric Cooperative. Attorney Dunn feels that this petition comes out of the Supreme Court cases and he feels the real issue in those cases was whether or not the towns have the ability to assess property taxes on the land underneath the poles and the reason that those cases cropped up, he would guess, is because of the fact that the poles themselves are not assessable under State law by cities and towns, they are exempt and the legislation dealt with that exemption. Attorney Dunn went on to explain why he feels The New Hampshire Electric Cooperative poles should not be taxed. The New Hampshire Electric Cooperative is already paying taxes, about \$70,000, for the land they have in the town.. The other utility companies do not pay taxes on the land their poles are on. Attorney Dunn further stated that the Coop has some real concerns on this and they wanted the Board to know that.

A further discussion was held regarding Amending Pole Licenses.

Chairman Weldy thanked Attorney Dunn and Attorney Somers for their input.

Chairman Weldy asked if there was anyone else who would like to be heard.

Ed French came forward and stated it sounds to him like a Pandora's box. Mr. French stated that either way he will be paying. Whether it comes out of his property taxes or if he pays the Coop, he is still going to be paying, as the companies will just raise their prices to cover this tax.

Selectman Barnes stated that he agrees that any added costs to the utilities will be added on to the consumers' bills.

Joyce Wood stated that she felt Ed French made a good point. The taxes imposed on utilities get passed on to consumers. But she also stated that you have to consider that if other towns include this tax in their pole license agreements and assess them to the utilities, but Raymond doesn't, then the Raymond electric consumers or utility consumers will be picking up a share of the cost of those taxes that are being assessed by other towns.

Attorney Dunn wanted to clarify what Mrs. Wood stated. He stated that it is true that the rate setting done by utilities include a whole area, however, the Coop is different from other utilities. Other utilities do statewide or service territory wide rates. The Coop is regulated, with respect to its rates by its members, so the Coop does have more flexibility in terms of trying to target the recovery with respect to specific towns.

Chairman Weldy asked if there was anyone else wishing to speak. Hearing no one, the public hearing was closed.

Chairman Weldy asked if there is a motion to grant the petition for amendment to pole licenses?

Motion by Selectman Wood to adopt the Amendment to Pole Licenses, seconded by Selectman Barnes. Chairman Weldy then opened this up motion for discussion. A discussion was held among the selectmen.

Town Manager Bates stated that town counsel does not feel that this matter is under any time constraint at this point. The public hearing has been done and that was the time constraint. To give people to check into this further, if the Board would like, they could table this and bring it back at another meeting to get members a chance to get better acquainted with the idea and feel more comfortable about voting in favor of it, rather than having it be a split vote.

Selectman Barnes stated with regard to Mrs. Wood's comment that three of the selectmen should recuse themselves from the issue of warrant article 9, Selectman Barnes stated that if three of the selectmen recuse themselves, they no longer have a quorum and the matter would have to be tabled until the April 4th meeting and alternates would have to be appointed for that meeting.

A further discussion was held with regard to the selectmen recusing themselves and what would need to be done.

Attorney Somers stated that two things can happen. The matter can be tabled until the April 4th meeting and she can come back with an opinion as to the facts that are presented in Mrs. Woods' letter, plus the facts that have been discussed tonight with regard to Selectman Wood and she can come back with an opinion as to how the Code of Ethics needs to be applied to those facts and whether a recusal of any or all of the selectmen might be an appropriate thing to do and if so, what would happen if a recusal of three out of the five members were to take place, and how to go about addressing that. Attorney Somers stated that the above is what she recommends to the Board because she feels that this is an important enough issue, that she needs time to digest the facts and it needs to be correctly the first time, before anything is done.

Selectman D. Wood stated that the issue here is not whether the selectmen or some of them are in favor of Article 9. It is whether or not an injustice was done by the article appearing in *On The Common* and whether a revote should take place.

Attorney Somers stated she understands what Selectman D. Wood is stating and that would be need to be factored into the analysis as to whether or not you need to recuse yourselves.

Chairman Weldy stated that he would like to table this discussion until he can get an opinion from legal counsel.

Motion by Selectman Bishop to table any discussion or decision-making on Article 9, until further advice from legal counsel, seconded by Selectman D. Wood. Motion passed unanimously.

Chairman Weldy stated that he would allow Mr. Buckingham to come up and speak, however, no dialogue will take place between the Board and Mr. Buckingham.

Town Manager Bates wanted to state that over the past week there has been several discussions between the Conservation Commission, Town Manager Bates and Mr. Buckingham. It appeared that they weren't at totally opposite ends of the table, there were a lot of similarities in the discussions. Town Manager Bates met with Mr. Buckingham and Craig Wheeler on Friday and after a very lengthy conversation there is a substantial area of common ground on all sides and saying that Town Manager Bates turned the microphone over to Mr. Buckingham.

Mr. Buckingham stated that he was the originator of the petition that turned out to be Article #9 and Mr. Buckingham stated that he was going to come to the Selectmen this evening and table a motion on this article, on this action until the 4th of April. Exactly as you have stated that you wanted to do because he feels there are ways to proceed in a manner that could clarify things for all parties involved. Mr. Buckingham followed this by asking the Board to table this until April 4th.

Attorney Somers stated that she recommended the Board take this matters under advisement and move onto the next agenda item.

Chairman Weldy told Mr. Buckingham that this matter will be taken under advisement and he stated that the Board would move onto the next agenda item.

Illegal Trash Dumping Ordinance

Town Manager Bates stated that this came up as a result of the recent vote to institute Pay-As-You-Throw and in conversations with Jack Barnes, mentioning the fact that our trash illegal dumping ordinance may not be suitable. Basically, our current ordinance is a littering ordinance and may not be suitable for the fine tuning of somebody throwing a couple of bags of trash on someone's front lawn or depositing trash in someone's dumpster illegally, which may be an issue in the beginning. Town Manager Bates proposed that this be brought before the Board and if the Board so chooses, he would research other illegal dumping ordinances around the state, particularly towns that have

Pay-As-You-Throw to find out if they have ordinances that are customized for the institution of Pay-As-You-Throw. And number two is to create an ordinance that will really reflect what will be done if people are really depositing trash in somebody's private dumpster, businesses dumpster or the town office dumpster or the school dumpster? What happens? What will we do?

Selectman Barnes feels that there should be something in the ordinance stating that bags of trash that are dumped can be opened and gone through to find out who the person is who is dumping it and there should be a monetary fine assessed to discourage future illegal dumping. Selectman D. Wood stated that the fine has to be substantial enough to deter them from doing it again.

Chairman Weldy asked if the Board is in agreement to have Town Manager Bates look into getting an amended ordinance for illegal trash dumping to bring before the Board. The Board agreed.

Selectmen's Pay Frequency

Selectman Barnes stated that he spoke to Town Manager Bates regarding this issue. At the present time the town is making out 60 paychecks to the five selectmen. Way back, the selectmen used to get paid once a year. The check was paid up front for the year. Selectman Barnes wanted to know why the town is making out 60 checks a year instead of just five checks? Selectman D. Wood stated that the checks are done electronically and then printed out.

Town Manager Bates stated that the cost difference is probably an insignificant amount. The choice is up to the Board as to the frequency of pay.

Selectman Bishop asked if it could be an individual choice? Town Manager Bates stated that having everyone be different would be too difficult to keep track of. Selectman Weldy stated that he feels the way it is, being paid monthly, is fine. Town Manager Bates will check to see if having it at different times would be okay and get back to the Board.

Union Contract (Police and Dispatch)

Town Manager Bates stated that the Board has copies of the revised contract as negotiated. This contract has been approved by the voters.

Chairman Weldy stated he needed a motion.

Motion by Selectman Bishop to sign the contract, seconded by Selectman Bemis. Motion passed unanimously.

Town Manager Bates stated that this executed document will now be sent to the union representative for his signature and has to be in place by April 1st.

The Selectmen gave their reports.

The Town Manager gave his report.

Review/Adoption of Minutes

The minutes of the March 7, 2005 meeting were not in the Selectmen's packet and will be reviewed at the April 4th meeting.

Motion by Selectman D. Wood to adjourn, seconded by Selectman Barnes. Motion passed unanimously.

The meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Kathy L. Cramer
Executive Secretary/Selectmen's Secretary