

**Selectmen's Meeting**  
**Monday, December 4, 2017**

These minutes were recorded by Ellen White, Town Administrator. The meeting was held in the Bub Avery Memorial Gymnasium at Town Hall.

**Call to Order:**

Chairman Morgan called the meeting to order at 4:15 PM.

Morgan opened the meeting with the Pledge of Allegiance.

**Attendance by Roll Call:**

Present were Selectmen Richard Morgan, Robert Freeman, and Sandra Martin.

**Public Input:**

Josh Arnold spoke on the Town Beach stating that he felt the Special Town Meeting was a disservice to the democratic process and the venue was insufficient to host the event.

Morgan read correspondence received from Paul Swegel, Joy Gagnon, and Linda Watson; all stating similar dissatisfaction with the waiting time/line, inability to enter the building to participate in the Town Meeting, and the amount of people who left as they were unable to wait outside in the cold for extended period of time.

Morgan asserted that the Moderator runs the Town Meeting, not the Selectmen. There was no way to prepare for the attendance that was received. The Town Clerk even prepared 350 ballots and ended up having to print additional. Hind sight, there are many things that the Board wishes had happened that did not, but they are happy with the attendance which spoke volumes.

Morgan discussed the Board of Selectmen's involvement in the process leading up to the purchase thanking White for her efforts to pull it all together, meeting required deadlines and notice posting requirements to ensure a legal Town Meeting. Morgan also thanked the waterfront owners for their support and acknowledged 8-year old Isaac Gagnon for his courage to speak in front of 200+ voters about why he wanted the beach. Morgan stated that Gagnon is the one who truly lost the vote as it will impact his generation and future generations. Discussion took place on whether the Town Meeting was fair, right or legal. All questions that are seeking answers. The end result was being within 15 votes to reach the majority. The question still lies as to what would happen if all registered voters showed up. Morgan expressed his praise to Moderator Katy Meserve and the Town Clerk for the conduct of the meeting. Inquiries are being received for a recount of votes as well as inquiries into the Office of the Attorney General and Secretary of State. Martin stated that her heart breaks for Gagnon's life lesson due to selfish acts and hopes that he will not give up, as well as other voters.

Paul Swegel questioned the presence of non-residents/voters in the Town Meeting and asked if there was a record of how many were there. Morgan responded that they were present but there was no count taken. Being a traditional Town Meeting format, there is nothing that prevents a non-resident/voter from attending but they cannot participate in the debate process.

Swegel stated that he addressed some of his concerns to the Moderator but was assured that everyone would have the opportunity to vote. Morgan stated that a simple majority can overrule the conduct of the Moderator. Swegel stated that he regrets not making a motion to reconsider, but also was not aware of that ability until after the fact.

Katie Doyle-Smith stated that she felt she was not given the opportunity to participate in the Town Meeting as she could not access the gymnasium and was stuck in the entryway with several others, overflowing out into the sidewalks. She had comments and questions that were able to be addressed and was also unable to hear the testimony of others who did have the opportunity.

Craig Rollins stated that it was not that voters were denied the opportunity to vote, they made a choice to not vote. Further discussion took place on the democratic process.

Sonny Bernardo stated that he was in attendance and waited outside with several others and was able to vote.

Morgan responded that a resident can petition the Superior Court if they feel that the meeting was illegal. The Town Meeting process depends on the ability to hear and actively participate in any debate. It is not a matter of being nefarious or sore losers over the results of the vote. Morgan stated that all that can be done is to address the problem and fix it for the future.

Tim Otterbach stated that it was obvious the Town Meeting was procedurally flawless but the venue did not lend itself. People turned away by choice. He questioned whether the vote could have been isolated from the Town Meeting. He then stated that he looks forward to the legal interpretation on whether the inability to participate would be considered denied access.

Bernardo questioned if this discussion would even happen if the vote was in favor of the purchase. Morgan responded that it would. There are rules for how the meeting was conducted and those are the concerns that are being addressed.

Ed Comeau, State Representative, introduced himself as the area Representative, and stated that emotion has to be removed from this process. For those feeling oppressed, they need to go back to the appointing authority, in this case the Superior Court. There is a fee of \$125-150 to file an appeal. He then discussed the RSA regarding a recount of votes which must be requested within 7-days of the vote.

Morgan stated that postponement was not a possibility due to posting requirements and the expiration of the purchase and sales agreement approaching at the year-end.

Joy Gagnon questioned if the meeting could have been resumed at the school. Morgan responded that advance preparations would have been required for that to happen. Again, not knowing the attendance, there was no way to adequately prepare for the result.

A question was asked about voters that were not on the checklist. Martin responded that they were registered voters but had not been added to the checklist. Morgan stated that you could not register to vote at that time, the Supervisors of the Checklist accepted new registrations to vote 10-days prior to the vote and that was the last opportunity to register.

Tom Ravenelle questioned if the Town Meeting and voting could have taken place separately. He then stated that a speaker set up in the hallway would have been helpful.

Molly Messenger wanted her concern noted that she fears for the impact this will have on the new voters, as well as those who were unable to physically stand, and who were misinformed by other voters. Morgan responded that dissuasion and misinformation is a great concern. He then discussed the tax rate result which

reduced by \$0.27 for a total reduction \$0.61 in the past four years. This being proof that the Town could have afforded the beach. He continually begged people to do the math; the taxes would not have increased.

Marie McConarty suggested setting up a live feed at an alternate location so people could have viewed the Town Meeting.

Discussion took place on the terms of the purchase and sales agreement which is to expire on 12/31/2017 or following the vote of a legal meeting.

Greg Lagios suggested taking \$5,000-\$25,000 to spruce up Duncan Lake as it is a beautiful spot with some help.

Kyle Copeland questioned what the impact would have been if the beach had gone through. Morgan responded that assuming no growth and no additional revenues, the increase would have been \$0.12. Copeland stated that he was fortunate to have been handed down a property on the lake but fears the affordability like many others on the lake. Discussion took place on priorities of the Town and the scare tactics used to dissuade people from voting including a large tax increase. Morgan stated the Board has been honest and forthright through the process.

Ann Ward questioned the status of the purchase and sales agreement. Morgan responded that it expires 12/31/2017 or following vote of Town Meeting. Ward then discussed the decision process her family as an abutter to the proposed beach location made in determining her vote.

Selectman Freeman left the meeting at 5:17 PM.

Chris Stone questioned the validity of the purchase and sales agreement. Morgan responded that it has expired once Town Meeting did not meet the majority requirement, unless otherwise determined by the court or a re-vote.

Copeland addressed Martin's comments of people being un-American, cowardly, selfish, and cruel, and stated that is not appropriate coming from a Selectman and not a good way to encourage people to come out and vote. Martin responded those comments were directed to those who put out the signs and created the website against the beach without identifying themselves.

Dan Fischbein questioned how they will know if someone was turned away from the meeting. Morgan responded that the Town has been receiving emails and phone calls and recommended any complaints be put in writing. Morgan stated that anyone who feels that their ability to vote was impacted should be voiced.

Otterbach clarified that no one was physically turned away but the question remains whether everyone had the opportunity to vote. He wants to ensure that everyone had the opportunity to exercise their right to vote. Also, was the question/answer part of the Town Meeting part of the voting process and did everyone have the opportunity to participate in that portion of the meeting?

#### **Meeting Minutes:**

Morgan made a motion to accept the minutes from the Selectmen's Work Session & Non-Public Session held on 11/27/2017. Martin seconded. A unanimous vote was taken.

Morgan made a motion to accept the minutes from the Selectmen's Meeting held on 11/27/2017. Martin seconded. A unanimous vote was taken.

**Accounts Payable & Payroll Manifests:**

The Payroll Voucher was submitted for the week ending 12/2/2017 in the amount of \$57,617.24. There was no Accounts Payable submitted for the week ending 11/25/2017. There was also no Water & Sewer Accounts Payable Voucher submitted for the week ending 11/25/2017. Morgan made a motion to approve and sign the check vouchers. Martin seconded. A unanimous vote was taken.

**Review of Red Folder:**

Morgan acknowledged the setting of the final tax rate for 2017 noting the Town portion reduced from \$6.29 to \$6.02.

A Contract for Use of Facilities was received from Jackie Brown requesting use of the Bub Avery Memorial Gymnasium for a birthday party on 12/10/2017. The schedule has been verified and applicable deposit has been paid. Morgan made a motion to approve the contract. Martin seconded. A unanimous vote was taken.

A Contract for Use of Facilities was received from Sharon Davis requesting use of the Bub Avery Memorial Gymnasium for a Christmas party on 12/17/2017. The schedule has been verified and applicable deposit has been paid. Morgan made a motion to approve the contract. Martin seconded. A unanimous vote was taken.

A Timber Tax Warrant in the amount of \$437.28 for the properties located on Map 251, Lots 3 & 4 was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

A Timber Tax Warrant in the amount of \$3.75 for the property located on Map 8, Lot 2 was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

A Timber Tax Warrant in the amount of \$48.66 for the property located on Map 8, Lot 1 was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

A Timber Tax Warrant in the amount of \$1,902.27 for the property located on Map 65, Lot 1 was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

A copy of the Tax Collector's Warrant for Property Tax Levy in the amount of \$6,751,869.18 was acknowledged as it was signed outside of the regular meeting.

The Board received notices of decision on the following cases:

    Zoning Board of Adjustment:

        Case #17-9-V – Variance Granted

    Planning Board:

        Case # 17-9-SPR – Conditional Site Plan Review Granted

        Case # 17-10-SPR – Application incomplete, referred to ZBA for Variance & Special Exception prior to applying for Site Plan Review

Reports from the Dog Officer were received for the month of November.

The Board received a Public Notice from the NH DOT on a meeting to be held on 12/4/2017 at 5:30 PM at the Portsmouth Public Library regarding the toll proposal for the NH Turnpike Improvements. Written comments will also be accepted until noon on 12/5/2017.

**Water & Sewer Red Folder:**

A Request for the Reimbursement of Payroll Expenses for the Water & Sewer Department in the amount of \$5,084.03 for the week ending 12/2/2017 was presented for signatures. Morgan made a motion to sign the request. Martin seconded. A unanimous vote was taken.

A Water & Sewer Warrant in the amount of \$80.00 for service charge fees was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

**Old Business:**

Intersection of Routes 28 & 171 – White reported that Brad Harriman, Public Works Director, received response from his inquiry to NH DOT and the intersection improvements are scheduled for 2020 due to necessary land acquisitions that need to take place.

Whittier Covered Bridge – Nothing new to report.

Sidewalks – Nothing new to report.

**New Business:**

FB Environmental – Ossipee Watershed Management Plan (Phase II) – Forest Bell from FB Environmental presented on the research conducted on the Ossipee Watershed over the past five years which identifies areas to improve the quality of the lake over time. The draft of the Watershed Plan will be available in a few weeks. Morgan questioned the present levels of phosphorous in Ossipee Lake and questioned how those have changed over the past decade. Bell responded that the oxygen levels have been on a decline but the algae levels are low. Continual monitoring is important as well as maintaining a proper balance between economic development and preservation.

Selectman Freeman returned at 5:45 PM.

The Deputy Boat Tax Collector's Warrant authorizing Barry Rollins, LuAnn Rollins, and Abigail Nichols, all of Wards Boat Shop Inc., as Deputy Boat Tax Collectors was presented for signatures. Freeman made a motion to authorize the warrant. Martin seconded. Morgan abstained. Majority vote carried.

This concluded the business portion of the meeting and Morgan re-opened the meeting to Public Input.

**Public Input #2:**

None presented.

The next meeting will take place on Monday, December 11, 2017 at 4:15 PM.

**Adjournment:**

Being no further input, Morgan made a motion to adjourn. Martin seconded. A unanimous vote was taken.

Adjourned at 6:00 PM.

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Richard H. Morgan, Chairman

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Robert C. Freeman

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Sandra P. Martin

To be approved 12/11/2017