

# TOWN OF GRANTHAM NEW HAMPSHIRE

## SPECIAL TOWN MEETING MINUTES

JULY 27, 2016

SS. STATE OF NEW HAMPSHIRE

SULLIVAN COUNTY

Moderator Susanna Schweizer called the Special Town Meeting to order at 6:00pm and welcomed all in attendance.

The Moderator reminded those residents in attendance to set any cellular devices on vibrate, if not shut them off completely.

The Moderator noted that the meeting rules will be the same as those from the annual town meeting held last March (see below) and that she would not repeat them.

The Moderator noted that everyone present was a Grantham resident and therefore welcome to sit within the central area so that they can vote on all business, with the sole exception of Police Chief Walt Madore. Chief Madore relocated to the side of the room.

The Moderator then invited all town officials seated at the front table to introduce themselves. At the front table were Selectmen Constance Jones, Sheridan Brown and G. Warren Kimball; Town Administrator Melissa White; Town Administrative Assistant Ann Jasper; and Town Clerk/Tax Collector Ken Story. The Moderator also introduced Lorie McClory, Assistant Moderator.

The Moderator noted that there was a special town meeting warrant signed by two members of the Selectboard on July 11 and appropriately posted. She then stated that the meeting having been properly warned, by the authority vested in her by the laws of the State of New Hampshire she did now declare this special town meeting of the Town of Grantham officially opened for business.

*2016 Town Meeting Rules (listed on page 73 of the 2016 Annual Town Report)*

- 1. The Moderator will use the following general rules of procedure, the main purpose of which are to keep the meeting moving and not get bogged down in procedural quagmires.*
- 2. Non-voters who are not officers of the town or consultants to the town may be allowed to address the meeting only if the town votes to permit it. A simple majority is required.*
- 3. The Moderator will consider each Article as follows:*
  - A. The Moderator will announce the Article number, and the text of the Article will be displayed on the overhead screen or will be otherwise made available at the Meeting. The Moderator need not read the full text of the Article.*
  - B. The Moderator will recognize a member of the Board of Selectman or the petitioner (if a petitioned Article) to move the adoption of the Article.*

- C. *If the Motion is seconded, the Moderator will recognize a member of the Board of Selectmen or the petitioner to explain the Article.*
  - D. *The Meeting will debate and then vote on the Article.*
4. *ALL voters will direct their remarks to the Moderator. Whenever a voter wishes to speak, he or she will go the microphone, address the Moderator by first identifying him or herself and providing his or her street address. The microphone is necessary for accurate recording of the meeting.*
- A. *If a voter is unable to reach one of the stand-up microphones, the voter should raise his/her hand and one of the hand-held microphones will be provided.*
  - B. *In order for everyone to have the opportunity to speak, speakers will be limited to three minutes (with the exception of initial presentations on warrant articles).*
  - C. *No one will be recognized to speak a second time until everyone who wishes to speak a first time has had the opportunity.*
  - D. *If you agree with someone, it is OK to say that instead of repeating something that has already been said.*
  - E. *The microphone will also be used by people wanting to “Call (or Move) the question.” Anyone shouting it out from his or her seat will not be recognized. This will avoid preempting people who are already in line to speak to an issue.*
  - F. *A motion to “Call the question” requires a 2/3 vote. If this motion is passed all voters standing at a microphone or holding a microphone and anyone seated at the head table who has previously told the Moderator that he/she wishes to speak on the Motion will be allowed to speak.*
  - G. *The Moderator shall have the right to refuse to recognize a Motion to Call (or Move) the question if, in the Moderator’s opinion, the voters have not yet had an adequate opportunity to discuss an issue.*
5. *All questions and comments should be addressed to the Moderator. The Moderator will choose who responds to the questions.*
6. *Unless superseded by State law, reconsideration of a vote on any article should be brought up immediately after the vote has been declared and may only be made by a voter who voted on the prevailing side of the vote to be reconsidered.*
- A. *Mandatory Restriction: A vote on the issuance of bonds or notes over \$100,000 cannot be reconsidered at the same meeting. In accordance with RSA 33:8-a, if a motion to reconsider a ballot vote on a bond issue of over \$ 100,000 passes, the Article cannot be reconsidered until a reconvened Meeting that is at least seven (7)*

*days after the original vote. With respect to bond votes, the restrictions on reconsideration automatically apply without the need for the Meeting to vote for it.*

*B. Optional Restriction: Voters may postpone reconsideration of any Article at this Meeting by voting to restrict reconsideration of the Article in accordance with RSA 40:10. If the Meeting passes such a motion, then the Article cannot be reconsidered until a reconvened meeting held at least seven (7) days after the date of the original vote.*

- 7. The Moderator will conduct a secret "yes-no" ballot when five voters make a written request prior to a voice or show of hands vote on any article open for discussion. All five voters must be present and identified.*
- 8. Any ruling by the Moderator can be challenged. The Moderator will conduct a secret "yes-no" ballot when seven or more voters question any non-ballot vote immediately after the vote is declared and before any other business is conducted.*
- 9. All proposed amendments to articles will be submitted in writing to the Moderator prior to discussion of the amendment.*
- 10. Registered voters only will be seated in the center section of the meeting hall. Non-voters will be seated in the visitor's gallery located in the area bounded by the pillars and the inside wall of the meeting hall.*
- 11. The Moderator will not accept negative motions; that is, motions which require a "no" vote to vote in the affirmative such as "I move that we not adopt the budget."*
- 12. If the Meeting is not finished at 11:00 pm, the Moderator may recess the Meeting to a future date.*

**ARTICLE 1** – To see if the Town will vote to authorize the Board of Selectmen to accept and hold in trust gifts, legacies, devises, or grants if any, which may be available for the purpose of supporting community events and activities commemorating the Town’s 250<sup>th</sup> Anniversary under the authority of NH RSA 31:19, I-III. Such authority shall continue until rescinded.

**RECOMMENDED BY THE BOARD OF SELECTMEN (Majority vote required)**

Selectman Brown moved the article and Selectman Jones seconded. Brown spoke to the article and noted that it was only after commencing work on organizing the townwide celebration of the town’s 250<sup>th</sup> anniversary celebration it was discovered that in order to accept private contributions to be managed by the trustees of the trust funds the town would need to have the authority to do so, and that this authority would need to be bestowed upon it by the legislative body, which is the townspeople. Otherwise the town would have to come back to the townspeople for the authority to accept such contributions each time such a contribution was made. The town is requesting the passage of this article in order to have the authority to accept private funds for the 250<sup>th</sup> anniversary celebration and thus to avoid using any taxpayer funds for this purpose. The passage of this article would create the mechanism to accept those private contributions. Selectman Brown also added his thanks to the Supervisors of the Checklist and the Moderator for assisting with this meeting. He noted that “we’re learning as we go” with this particular project. The Moderator then asked if there were any other comments.

The Moderator recognized resident Bob Lewis of Splitrock Road, who also identified himself as one of the Trustees of the Trust Funds. He noted that he had a couple of questions from the perspective of his trustee responsibilities. His first question was that most of the existing trust funds include a provision authorizing the Selectboard as agents to expend from the fund. He added that the warrant article he saw did not reference that. Given that the trustees will be administering the funds, he asked for instructions from the Selectboard on how the trustees are to distribute those funds if not via request from the Selectboard. Selectman Brown responded that if the trustees would prefer the Selectboard be authorized as agents to expend, then that could certainly be added to the article as an amendment. Lewis added that given the current wording, the only way the funds can come out is by coming back to town meeting, or calling another special town meeting. If the Selectboard is authorized as agents to expend, then those expenditures can be approved at a regular Selectboard meeting and the minutes from that meeting can be given to the trustees so that they can then distribute the money. Selectman Brown noted that discussion regarding this matter went back and forth with DRA’s charitable trust division on a couple of occasions; however, he added that he was not opposed to amending the article in this way. The Moderator then requested the wording of the amendment, and Bob Lewis agreed to draft it. He stated the amendment should state “That the Selectmen are authorized as agents to expend from the fund” should be added to the warrant article. Lorie McClory seconded. The Moderator then asked if there was discussion on the amendment. Given that there was no discussion, the Moderator called for a vote on the amendment. It passed unanimously.

Bob Lewis then said he had another question. In the event that we have the fortunate circumstance that we collect more money than we can expend on the celebration, he recommended that there be added a provision for what happens to that money so that it doesn’t just sit there without anyone knowing what to do with it. He suggested that any excess funds could be handled in one of two ways: 1) we could wait until another town meeting after the celebration is over and then deal with it as another item at that meeting, where the money could be transferred to another non-taxpayer account, or 2) we could add another provision right now that says any money remaining in this account after the celebration will be transferred to another non-taxpayer account; he recommended the ballpark account. He also said that the nice thing about adding it to the warrant article is that those who contribute know ahead of time what will happen if all the money is not spent. So, in other words, everyone knows that any excess funds will be transferred to a specific fund. So, his recommendation is that language be added specifying that at the close of the celebration, any excess funds in the account be transferred to the ballpark account. The Moderator then asked him if he wished to make that an amendment, and he said he did wish to amend the article with that language. The Moderator then asked for a second; Grantham resident Ray Sears seconded. Selectman Brown then asked to speak to the amendment. He mentioned that discussion had taken place about what to do in

the event of a surplus in the fund and the purpose of the trust could no longer be accomplished, and would the trustee be required to go to superior court and ask for a separate condition that would allow the town to repurpose the trust to the next, nearest thing that could be done with it. Given the amount of time and the fact that a year-long celebration could be stretched out even beyond that year, he did not believe the town would find itself in the position of not being able to spend it all. Also, Brown pointed out that the point here is to be able to return at least a portion of the \$7,000 appropriated for this purpose by the town at town meeting to the town treasury. So, Brown stated he is against the idea of broadening the purpose because the committee is trying to have some concise marketing to corporate sponsors and it's going to come in under the charitable trust doctrine to be treated as a restricted gift, for whatever we told people what it was going to be for. So, the intention was to keep the purpose narrow so more concise marketing could be directed to the parties the committee is hoping to bring in and that approach should be more effective than trying to raise funds for a purpose that is more broadly worded. Obviously, all potential contributors will be informed of what it is they're funding. So, he stated he would prefer that the article not be amended in the fashion under discussion. The Moderator then asked if there was further discussion. Bob Lewis then spoke and said that if the intention is to spend the donated money first before going into the money appropriated by the town at town meeting, then he agreed that in all probability all the donated funds will be spent, and that's as it should be. And, given Selectman Brown's concern about sending a mixed message about what donors are supporting here, he thought it might be better to wait and deal with any surplus at town meeting a year from now, or two years from now. So, given that explanation, Lewis suggested that he would like to withdraw his second amendment. The Moderator then asked the second if he concurred with that withdrawal, and he indicated that he did. The Moderator then asked if there were any further comments on the warrant; given that there were none, she asked if everyone was ready to vote. The Moderator then re-read the article with the amendment, which included that language be added to specify that the Selectboard are agents to expend from this fund. The Moderator then called for a vote.

**Article 1 as amended PASSED by unanimous voice vote**

**ARTICLE 2 – End of Meeting**

To hear the reports of agents, officers, and committees heretofore chosen, to pass any vote relating thereto, and to transact any other business that may legally come before said meeting.

RECOMMENDED BY THE BOARD OF SELECTMEN (Majority vote required)

The Moderator then asked for a motion to dissolve the meeting. Grantham residents Lorie McClory moved and Cindy Towle seconded. The Moderator then called for a vote.

**Article 2 PASSED by unanimous voice vote**

There being no further business or reports, the Moderator declared the special town meeting adjourned at 6:15pm.

A true copy attest,



Kenneth Story, Town Clerk/Tax Collector  
August 24, 2016