

**MINUTES OF THE
SPECIAL TOWN MEETING
DELIBERATIVE SESSION
TUESDAY, MAY 13, 2014**

22 of 2,448 voters = 1% voter turnout present

Moderator Sisti called the meeting to order at 6:00 p.m. reciting from the warrant to those present, "To the inhabitants of the Town of Gilmanton in the County of Belknap in said State, qualified to vote in Town Affairs: you are hereby notified to meet at the Gilmanton Academy Upstairs Auditorium in said Gilmanton on Tuesday, the Thirteenth day of May 2014, next at 6:00 p.m. This session shall consist of explanation, discussion and deliberation of the Warrant Article number One (1). The Warrant Article may be amended subject to the following limitation: (a) Warrant Article wording that is prescribed by law shall not be amended, and (b) Warrant Article that is amended shall be placed on the official ballot for a final vote on the main motion as amended."

Before entering into discussion, Moderator Sisti asked all to stand for the Pledge of Allegiance.

Mr. Sisti read the Article, "'Are you in favor of ratifying, and therefore legalizing, the 2014 Annual Town Meeting approval of Article 19, regarding the lease/purchase of a new fire truck. This action is being taken under RSA 31:5-b, and is necessary because of procedural defects that occurred leading up to the first vote.' When you eventually get to vote on this, there will be a 3/5 majority vote required."

Moderator Sisti opened the meeting up for discussion, explanation and deliberation on the Article.

Betty Ann Abbott asked the Chairman of the Selectmen, Brett Carrier, "I would like to know, how did this happen?" Mr. Carrier responds, "I guess it happened while DRA was informed of the article, they looked at the article, I guess the article passed their muster, the problem was it was in the wrong location as far as where it was put on the warrant as far as I know. Because it was an article that was over \$100,000 it had to be placed right after the zoning articles, it had to come first after that and it wasn't first." Betty Ann asks, "Did it go to Town Council for review?" Selectmen Carrier responded, "I believe it did." Betty Ann stated, "So Town Council missed it also." Town Administrator, Arthur Capello, stated, "It went to DRA after Town Council for review." Mrs. Abbott then stated, "So it went to Town Council for review, he approved it and then it was changed?" Town Administrator, Arthur Capello stated, "Correct." Town Council, Walter Mitchell, responded, "No, I wrote the article, suggesting it to the town and in the context of sending a long email that commented on all of the draft warrant articles; and one of the things that was listed in my response was this had to go to the place where it's supposed to go and that, I guess, was missed. I never looked at it again, until, in this case, it was

approved and I, in the context of going through the lease/purchase agreement that's proposed by the leasing company, I'm supposed to give some complicated opinion of council as to 'everything's alright' and it turns out that that ingredient was missing." Mrs. Abbott asks, "Did the part about there not being an escape clause, and was there an escape clause in your wording?" Mr. Mitchell responded, "No." Betty Ann asks, "Was that an oversight, or is that the correct way?" Mr. Mitchell responds, "That was on purpose." Mrs. Abbott states, "So the only think that came to be wrong was the placement?" Mr. Mitchell responded, "The placement and the lack of a, let me explain, let me go back to the escape clause which is also called a non-appropriation clause. Normally if the town leases, or lease/purchases property, capital purchases, it has an escape clause. So if part way through the term of the lease the town changes its mind and doesn't raise much for that particular year to pay the lease payment, they can get out of it and return the item. State statute says you can't do that with a lease/purchase if you're using money from a capital reserve fund as a down payment and we're using \$190,000. So that dictated that there not be an escape clause or a non-appropriation clause; but not having that reading in there makes this the equivalent of long-term debt and with long-term debt two of the many requirements are that you fully place the item just behind the zoning articles on the warrant and there be a separate bond hearing noticed."

Joanne Gianni asks, "Is that any different with SB2 than it was with the regular town meeting format, the placement on the warrant?" Mr. Mitchell responded, "No."

Bill Donovan asks, "My question is, whose job was this to put this in the right order? You made mention that it was out of line, Mr. Chairman." Mr. Currier responded, "I don't know exactly who that would be, I don't know if that falls on the Board of Selectmen's shoulders, or the Town Administrator, or a combination of everybody. I guess, I would be more than willing to take the blame, if you were looking for somebody to blame. I don't think blaming somebody for this is going to do you much good. I think we're past the blame game I think know we have to move on." Mr. Donovan asks, "Would this have changed if we had a full time Town Administrator as opposed to the part time one we have now?" Mr. Currier responded, "We have a full time Town Administrator."

Selectman Guarino states, "I think we were talking about this a week or so ago, even the Chairman from the Budget Committee realized that over the years if we take or exceed the \$100,000, we feasibly find some of our lease/purchases years before had been deficient in the way that we handled it, not that it makes any difference today; but if I understood Walter, it could have been \$85,000 from the capital reserve, it wouldn't have flagged that the same, right?" Mr. Mitchell answered, "I said if it exceeded \$100,000. Its \$100,000 but it's not how much you're taking out of the capital reserve, it's how much you borrow, in effect, that's when it kicks in, whether its notes or bonds or lease purchases."

Bill Donovan asks, "Does this affect us for getting the grant? Is there a time limitation on the grant?" Mr. Donovan received a response of "No".

Terri Donovan states, "I think going forward I would like to see town council involved fully and I hope they're committed to the practice of before final things are put on the ballot that they are reviewed and particularly with SB2 towns - we're going to be that at least one more year - that I think it would be helpful with these complicated questions, that it would be money well spent to have town council there to assist us at some of these complicated deliberative sessions. I know it's not all related to SB2, but things are getting complicated and it's not unusual for school districts and towns to have town council present at the meeting, and I think it would behoove us. I hope the Selectmen would consider that."

Mr. Mitchell replied, "There's nothing I could have done at the deliberative session to correct this. So, my being present wouldn't have solved any of this." Mrs. Donovan states, "With respect, Walter, there are two phases here, one is the proactive preparing for the meeting, there is also if an amendment is made on the floor, I think sometimes the body could benefit from legal advice at a moment when someone might make an amendment or take some other action, Right?" Walter Mitchell responds, "In general, I'd have to agree with you, specifically as to this town, those times I've had the opportunity to be in the audience of either the school district meeting or usually I'm someplace else first thing of the deliberative session, I usually come in in the afternoon. Your moderator does an excellent job."

Debra Cornett, Town Clerk, stated, "Public hearings, I think it would have been beneficial also, if we right in the very beginning had council present at our public hearing right as we are beginning the process, that would have been very helpful. I don't remember that article (19) ever being anywhere near the beginning of the warrant articles ever, as it was stated that it needed to be, following the zoning article questions for placement." Mr. Mitchell responded, "No, that's one of the two conditions."

The Moderator called for any other questions, being none and having no amendments made to the article, Mr. Sisti stated that Article #1 will appear on the ballot as written and read.

Moderator Sisti adjourned the meeting at 6:15 p.m.

Respectfully Submitted,

Debra A. Cornett
Town Clerk/Tax Collector

A True Copy Attest