



## **Northwood Board of Selectmen Meeting Minutes of February 20, 2007**

### **Call to Order**

Chairman Bryer called the meeting to order at 6:40p.m.

### **Roll Call**

Chairman Bryer, Selectman Witham, Selectman Hadley and Town Administrator Harriet Cady

Selectman Bryer explained that the first item on the agenda was the public hearing. He stated that the public hearing would be followed by a work session of the Board of Selectmen. During the work session the Board would try to finalize the Conduct of Officials Ordinance because it had been noted that there were a few editorial changes that needed to be made and he wanted to get the final version was correct for the public.

### **PUBLIC HEARING -- SB-2 (RSA 40:13)**

Selectman Bryer read the Notice of Hearing into the record. He then opened the public comment. Alden Dill of 254 Bow Street asked if the public could have a copy of the warrant article. Selectman Bryer then read the article and stated that copies would be available to the public if they so desired in compliance with the Right to Know act. Jean Lane asked for a copy as well. John Lane asked if they were restricted to just comments or could there be questions asked as well. Selectman Bryer responded he would try to answer any questions if they were able but that this was a petitioned article and they were not experts on the subject. Mr. Lane then asked each of the Selectmen what they thought of this proposal. Selectman Witham replied that he thought the Town was swinging into a different direction to have people be more involved in the process. He added that the meetings of the Board had been televised this past year and that they were being made more aware of what was transpiring at the sessions. He then stated that the people did not appear to be aware of the budget process and what was involved getting to the bottom line. He stated that the goal was to have the School Board meetings also available. Selectman Hadley stated that Town Meetings go back 200 years or so and that it was an opportunity for the voters to come out to discuss the issues. He stated that although there were more people actually voting on the issues on Election Day, the number actually participating in the deliberative sessions was small and so they were not aware of all the issues, whereas at Town Meeting the articles could be amended. He stated he was happy with how the process was currently handled and that he was not in support of SB-2. Selectman Bryer stated he could see advantages and disadvantages to both systems but he could work under either system, but that he preferred Town Meeting form of government over SB-2. Jean Lane stated she felt that people were not going to attend the hearings and that they would just vote on the ballot without knowing the whole situation. She also stated she thought Town Meetings were very important because they explain a lot of things and allow people to have a chance to say something. She stated she was against Senate Bill 2 for both School and Town. Selectman Witham responded that last year the school vote was 54/17 for a total of 71 votes out of approximately 3000 voters.

Lucy Edwards asked for a procedural question, to which Selectman Bryer responded that he would allow public comment, but that the Board would be just responding to questions. Ms. Edwards then went on to state that there are very few in attendance at deliberative sessions so that when the articles are created at



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those sessions there is no chance to change those articles, you need to vote either yes or no. Some towns have had unpleasant experiences because if you can't get people to attend Town Meetings, chances of getting them to come to deliberative sessions are even less. Deerfield ran into a problem last year which was their first year as SB-2 both school and town, in that all the articles as well as elections were on one ballot and it took people a very long time especially early morning and late afternoon. She further commented that we need to think if this is really going to be good for the town. She stated that the option of an alternative form such as Charters are also allowed by NH law and may offer an opportunity to get more people involved.

Kate McNally stated her agreement with Ms. Lane and Ms. Edwards, and that the number of residents at this hearing is any representation, that the number present at deliberative sessions would be low for such a huge step forward or backward depending on in changing how decisions are made as a town. Deerfield and Nottingham both had low numbers at their sessions. She stated that the television coverage of the meetings is not current, as December meetings are now being shown in February, so the people would not be informed in a timely manner to make decisions. She stated she was not in favor for either town or school SB-2.

Alden Dill stated that the push has been made to keep the historical nature and Town Meeting has been used for hundreds of years and why throw away that unique political culture to go and vote like everyone else does. Right now we go as a town, discuss as a town, and vote as a town all at the same time and that is very important to preserve for this town and state.

Ms. McNally asked Selectman Hadley why he had been previously in favor of SB-2 and now opposed it. He replied that he had previously been in favor of SB-2 for the School, but after doing some research, has changed his mind and now does not support it either for the School or Town.

Selectman Witham stated that after Town Meeting last year, public record shows that Selectmen Bryer, Shaffer and Witham all voted unanimously in favor to submit SB-2 for both levels in 2007. Selectman Bryer stated he had been in favor of both SB-2 for town and school, but that after seeing what had happened this year in Town Hall that he no longer supports it after things that have happened this year, opening up his eyes.

Ms. Lane stated that with 3000 registered voters, we had a very low turnout of only 400 or so at town meeting. Selectman Witham agreed and stated he didn't think town meeting was going to change the amounts. Just 71 people passed a \$10 million budget for school last year, and it is approaching \$11 million this year. Mr. Dill stated that this was school budget not town.

Mr. Lane stated that he wanted to be on record of being strongly opposed to SB-2 for both town and school. He stated that town meeting will give the opportunity to discuss and vote at the same town but with SB-2 voters will just go into the booth and vote not being well informed about the issues.

Selectman Bryer then closed the public comment on SB-2.



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### **PUBLIC HEARING -- INCREASING BOARD OF SELECTMEN TO 5 MEMBERS.**

Selectman Bryer read the petition and stated copies would be available to anyone coming in requesting the same. He then opened up public comment. Mr. Lane asked if any of the three members of the current 3-member board were in favor, and if so why. Selectman Witham stated he was in favor, because it would spread out the responsibility to more members. It would mean less stress involved trying to keep up with all the responsibilities. Selectman Hadley stated there was a good article in the Exeter Newsletter this week regarding the town of Stratham. They went to 5 members last year, but because it wasn't working out, there is a petition article to go back to 3 this year. Stratham is a small town and it doesn't need bigger government. Discussion followed as to whether this needed to be a majority vote, 2/3 or 3/5 vote and it was decided to have Ms. Cady check it out.

Selectman Bryer stated he had served over 8 years on the board, and enjoyed it prior to this year with little stress, and that his position was that rather than going for petition of 5-member board, it should have been for a town manager form of government. He stated that with a town of around 4,000 people he did not support the 5-member board. If we were a town of over 5,000, perhaps 6,000 people then he would support this. He stated he didn't think we were large enough to support a 5-member board and that it would be creating more bureaucracy and bigger government. He stated that the only advantage he saw for a 5-member board was that if one member were to get done there would still be enough for a quorum, but that if there were dissention, it would not matter if there were 3 or 5.

Ms. McNally asked Selectman Bryer to explain the concept of a Town Manager. He responded by saying that he sees a trend of not having enough interest being shown with people stepping up to run and those people who do run would not have expertise in areas needed, but that with a Town Manager, that position would be on a 3-year contract and would be given more authority such as be able to enter into contracts.

Bob Holden asked Ms. Edwards of her opinion as to a 5-member board. She replied that she felt that during her second year there had been a resignation of one of the members and that the remaining two were required to handle more work. She stated that she was concerned about the number of candidates running for a 5-member board. Would those running for selectman have to resign from other boards if elected? She stated she wasn't sure about the size of the pool willing to run for selectman. She went on further to state that she probably was being conservative, but that if it was working, don't fix it.

Selectman Bryer then closed the public comment. He stated that these two articles would be on the ballot. A 5-minute recess was taken to research whether the vote on the 5-member board needed to be a 2/3 or 3/5 or simple majority vote.

After the break, Selectman Bryer read RSA 41:8 and stated that he believed that a simple majority vote was all that was required to pass the article.



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Even though there was not legal requirement for a public hearing on the Code of Conduct, Selectman Bryer stated he wanted to present it, to make sure there were no errors. He proceeded to read the changes to make sure there were no typos. Under Section 1.3 Disqualification From Decision Making – needed to add “her” to this section. Selectman Witham asked for a clarification of the word “family”. Selectman Bryer gave as an example, stating this does not include cousins or nephews, but current policy is just for the person’s relatives, so that in-laws were not applicable, but this would cover those family members as well. Selectman Witham questioned an instance of the Chief of Police and his brother-in-law. Selectman Bryer stated that the Chief does not sign contracts the Police Commission do the contracts. It would cause a problem if he signed the purchase order, it would need to be signed by the Commission or the Selectmen. He also stated that there is a Grandfather clause to be covered further on in the Code. This gives current employees elected or appointed one year where conditions will remain as they currently now. Selectman Hadley stated that he being appointed January 9 hasn’t signed anything. Selectman Bryer stated this could be amended at Town Meeting to include this situation. He then asked for public comments.

Selectman Witham asked if anyone recalled Russell Eldridge drafting this and Jean Lane replied that she vaguely remembered. He stated he remembered it was more on property being sold having any impact on members of the family, but it since has gone beyond that concept. Ms. Lane agreed. Ms. McNally stated she agreed with the policy and that it should have a statement on the bottom confirming that the individual had read and agreed to follow the policy and that they would abide by it.

Selectman Bryer asked if there were any other comments and since there were none, he turned it over to Selectman Hadley to present the Ordinance on Water Rights Ordinance. Selectman Hadley explained there were a couple of handouts, one being a letter from the Barnstead Board of Selectmen regarding their Water Rights and Local Self-Government Ordinance, and the Warrant Article No. 24-2007, The Northwood Water Rights and Local Self-Government Ordinance. He stated the purpose was to protect our groundwater. The Ordinance will deal with the watershed issue as well as the MBTE issue, which we have been dealing with Northwood since 1988, and there are still ongoing issues. This would give the right to say which types of withdrawals can be made in Northwood. He listed the exceptions included in the Ordinance in Section 6. He went on to say that this will protect the headwaters to the Lamprey River that begin at the Northwood Meadows State Park and Saddleback Mountain, and that the EPA is asking municipalities to do a better job protecting headwaters because we have impact downstream especially in bedrock aquifers. He gave credit to Barnstead for their efforts and believes this would give Northwood an opportunity to do something to protect their aquifers. This would be a proactive measure rather than a reactive one, and it doesn’t cost the town anything.

Selectman Bryer asked if there were any additions questions or comments and Selectman Hadley responded that there would be a public information meeting on Saturday, February 24, from 9-12 at the Town Hall explaining the Northwood Water Rights and Local Self-Government Ordinance.

With no more questions or comments, Selectman Bryer closed the discussion on the water ordinance.



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Selectman Bryer asked for some motions to act on some purchase orders.

**\*\*\*Motion\*\*\* motion was made by Selectman Witham, seconded by Selectman Hadley for Chatterbrook Farm for the rental agreement for the past 15 days for snow removal for \$5,000.**

Selectman Bryer asked if there was any discussion. Seeing none he called for the vote.

**Voted 3-0 to approve the purchase order.**

**\*\*\*Motion\*\*\* motion was made by Selectman Witham, seconded by Selectman Hadley for Desmarais & Son of Blakes Hill Road for \$5,000.**

Selectman Hadley stated that Mr. Desmarais had come before the Board at the last meeting and the next day we had the snow storm. He questioned if this bill reflected the new rates. Ms. Cady explained that the Blanket Orders for these contractors had been spent and that these purchase orders are for additional funds. Selectman Bryer called for the vote.

**Vote Selectman Hadley and Selectman Witham in favor, Selectman Bryer opposed. Approved 2-1.**

Selectman Bryer stated his reason for not approving this purchase order is that he does not agree with changing rates in the middle of a contract.

**\*\*\*Motion\*\*\* motion was made by Selectman Witham, seconded by Selectman Hadley for HER & W, Old Turnpike Road, Epsom, NH, otherwise known as Lenny Gilman, for \$5,000.**

Selectman Bryer asked for discussion. Seeing none, he called for a vote.

**Vote 3-0 to approve the purchase order.**

**\*\*\*Motion\*\*\* motion was made by Selectman Witham, seconded by Selectman Hadley for the manifest in the amount of \$229,833.77.**

Selectman Hadley asked if there was anything unusual about this manifest and Ms. Cady stated that there was a school funding in the amount of \$200,000.00, and the rest were for vendors. Selectman Bryer called for the vote.

**Vote 3-1 to approve the manifest.**

**\*\*\*Motion\*\*\* motion was made by Selectman Hadley, seconded by Selectman Witham to go into non-public session according to RSA 91-A:3(c) for the purpose of discussing personnel issues. Roll call was taken with Selectman Witham yes, Selectman Hadley yes, and Selectman Bryer yes.**



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Meeting went to non-public.

Respectfully submitted,

Judy Pease