

MINUTES OF SPECIAL SELECTMEN'S  
MEETING HELD ON FEBRUARY 9, 1983

An emergency meeting of the Board of Selectmen was held on Wednesday, February 9, 1983, commencing at 5:00 p.m. at the Little Town Hall.

The purpose of the meeting was to discuss the petition for insertion of a Warrant Article relative to a 2 1/2% spending cap with Gary Johnson, spokesman for the petitioners and his attorney. Immediate undelayed action was deemed to be imperative by the Chairman because of the impending deadline for posting of the Town Warrant and printing of the Town Report, and the feeling of Town Counsel that if court action were pursued, a decision on this issue might not be rendered by the time of the posting deadline. Because of this, the Board was advised by Town Counsel to attempt to schedule this meeting prior to the next regular meeting scheduled for February 14. The scheduling of this meeting was arranged this date based on communication with all Selectmen and Mr. Johnson's attorney as to their mutual availability. A notice of the meeting was posted on the main Town Hall door as soon as Mr. Johnson's availability was confirmed by the arrival of his attorney.

Present at the meeting were all of the Selectmen, Leslie B. MacNeil, Katherine M. Ring, and John J. Jones; Town Counsel, Lloyd N. Henderson; Gary B. Johnson; his counsel, Frank J. Sylvia; and Town Moderator, Robert B. Flanders.

A general discussion of the proposed article was held. Town Counsel advised the Selectmen that although it remained his opinion that a spending cap as proposed was not valid and could not be legally binding, it was the consensus of the several experienced municipal attorneys he had discussed this with that the article should be inserted in the Warrant despite the

fact he would give an opinion to the voters at Town Meeting that if the article were adopted it would have no legal effect.

Attorney Sylvia emphasized the fact that RSA 39:3, dealing with the insertion of warrant articles by petition, did not require that the article be legal, but appeared to make it mandatory that the Selectmen insert it regardless.

A general discussion of the effects of the article, if adopted, was held. It was agreed by all parties involved that even if the article were valid, it could only bind this year's Town Meeting, and that, as a matter of fact, the proposed budget and warrant articles, if adopted fully, would result in less spending than last year anyway.

Further discussion was held concerning Town Meeting procedures in general and the lack of attendance and participation by many voters. Mr. Johnson indicated that one of the purposes of the petition article was to try to arouse more interest among the voters.

Town Counsel discussed the pending tax cap decision involving the City of Nashua, and indicated that if that case were decided by the New Hampshire Supreme Court prior to March 12, it may clearly answer the legal questions involved with the petition article.

At the conclusion of the meeting, the Selectmen unanimously voted to insert the petition article.

The meeting adjourned at 6:20 p.m.

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Lloyd N. Henderson