

Selectmen's Meeting, Tuesday, February 22, 1983

Due to holiday, meeting was held on Tuesday in place of Monday.

Selectmen met at 7:30

Present: Leslie MacNeil, Chairman, Katherine M. Ring, and John Jones, B. Shaw, secretary also present.

Selectmen asked that a letter to the firemen and to the fire chief go out thanking them for pitching in on clearing the fire hydrants after the storm.

Minutes of last weeks meeting accepted.

Gregg Goff was in to speak of a warrant item he wished to put in to cover the hook-up of the sewer and some minor work still needed for the old fire station. He was told it was too late for a warrant item, but that the selectmen can, at town meeting request an additional amount be added to Town Hall and other buildings to cover the expected cost. One project that has to be completed is the replacement of windows on the tower as the birds are going into the building and causing a mess. Last week water was found flowing out of the building and when the selectmen checked they could not find where the water had come from. A workman from Dayspring had found the broken pipe and turned off the water, unfortunately not before some damage had been done. Gregg Goff will contact Dayspring to see how much the repairs will come to.

K. Ring had been to the N. H. Municipal meeting and said that some towns have to transport their garbage clear across the State in order to have it burnt.

Revenue Sharing report is to be checked before signing.

Secretary is to call Dept of Welfare to see when the latest guidelines have been published, if the Town does not have them, a copy is to be ordered.

K. Ring has been looking up the oldest resident in order to set up a date to present the gold cane. E. Cutter is the oldest one that she has been able to find. A notice will be put in the paper and on the radio requesting information if someone knows someone older.

Les will check with Peterborough Savings Bank as to their issuing TAN.

Mr. Gary Johnson requested that the selectmen pay the legal cost he incurred due to the 2½ warrant item he had submitted. Copy of his cost and letter attached. Selectmen agreed to have Mr. Johnson notified of any decision made after they speak to the Town Counsel, L. Henderson. After speaking to Lloyd, the three selectmen voted not to pay the bill on advise from Lloyd Henderson. It was also agreed, at this time to have the letter of notification come from Lloyd's office.

Mr. Johnson requested a copy of the tape of the special meeting, and since the recorder and tape belong to Mr. Jones, the request was refused. A copy of the typed minutes were made for Mr. Johnson at the usual cost of .15 per page.

Mr. G. J. Grabowski asked secretary if she had called Jane Miller for the minutes of the town library to be once again delivered to the selectmen's office. I answered that I had told Mr. Grabowski the many times he was in the office that I would not call for him. Mr. G. asked if L. Henderson had as yet submitted a bill for the special meeting and if so was it paid. No bill has been received as of this date. Mr. G. said he has spoken to L. Henderson and that a sizeable bill would be coming to the town. Once again the bill made out to the town library for \$100, and a suggestion from Lloyd that the town pay $\frac{1}{2}$ since selectmen had requested counsel to look into the rights of Mr. Grabowski and the selectmen's rights to step into the debate between Mr. G. and the library. Les MacNeil went carefully over the reasons why the selectmen felt it proper to pay $\frac{1}{2}$ the bill and the reasons why the bill was incurred in the first place. Selectmen have gone over this matter with Mr. Grabowski at least three times. Mr. Grabowski still contends that the selectmen should not have paid the \$50. and now thinks that the selectmen should pay the town back with their own money. "I think you should put the money back into the kitty" payment of the bill was unjustified as far as Mr. Grabowski is concerned. He could not see where the selectmen had given a hand to him when he had his argument with the library.

Lloyd and selectmen discussed the Vernon Woods property. If damage was done by the trucks turning around during the construction of the sewer, Lloyd feels Pandelena should be called in if property requires an entire blacktopping. If the job is just filling in spots, road crew could take care of it while doing the rest of the road.

If Conley's land is not being sold, it should be cleaned up. Date of sale is uncertain at this time.

Good practice for everyone doing any building to have a permit. Question was raised in regard to a building that had been burnt and is now being repaired.

Selectmen moved to go into executive session to discuss personnel matters with police chief, tax collector and welfare items.

Since the meeting was over and just executive matters were remaining, secretary left at 10:00. Selectmen closed meeting after discussing personnel and welfare matters.

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FRANK J. SYLVIA
 ATTORNEY AT LAW
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 HILLSBOROUGH, NEW HAMPSHIRE 08244
 TELEPHONE 464-8581

February 10, 1983

Gary Johnson
 Cor. Elm & Wallace Streets
 P.O. Box 416
 Antrim, New Hampshire 03440

FOR PROFESSIONAL SERVICES

Re: Johnson v. Town of Antrim

Advice, consultation and representation in above captioned matter involving Warrant Article including discussions with client, research on statutes and case law relative to the same, discussions with town counsel, advising client on same and further discussions with town counsel as well as obtaining various briefs and case findings in preparation for attending Selectmens meeting.

\$ 75.00

Attending special Selectmens meeting on February 9, 1983 at 5:00 P.M. which resulted in selectmen agreeing to include Warrant Article as requested by petition.

\$200.00

Telephone calls

\$3.40

Photocopying

\$1.25

Travel

\$3.75

Total

\$283.40

14 Elm St., Box 416
Antrim, N.H. 03440

February 22, 1983

Leslie MacNeil, Chairman
Katherine M. Ring
John Jones
Board of Selectmen
Town Hall
Antrim, N.H. 03440

Dear Madam and gentlemen:

I am requesting that the Selectmen pay my legal costs incurred in the case of Johnson v. Town of Antrim, which resulted in my prevailing at the out-of-court settlement at the special Selectmen's meeting of February 9, 1983.

The direct legal costs which I incurred in this case amount to \$283.40; I am making available to the Selectmen an itemized and detailed listing of the professional legal services required on my behalf in the case.

I am making this request for payment of legal costs in my case for the following reasons:

- 1). My legal costs were incurred only after I had made an effort to persuade the Selectmen to accept the petition to limit town spending which they had rejected (within 24 hours of receiving notice from the Selectmen's office of their rejection, but before I retained legal counsel, I notified Selectman Katherine Ring that in their rejection of the petition the Selectmen were in violation of state law, 32.8 and/or 39.3, and suggested that the petition be accepted for the Town Warrant).
- 2). The Selectmen acted illegally in denying the petition, therefore forcing me to retain legal counsel to argue my case.
- 3). The Selectmen acted in bad faith in rejecting the petition on February 2, 1983 after agreeing to accept a previously rejected petition provided it were reworded to meet the objections of the Town Counsel, which it was.
- 4). The Selectmen's position in the case was illegal and untenable, and therefore I prevailed as plaintiff in the out-of-court settlement of February 9.
- 5). The Selectmen caused me to retain counsel after violating my civil rights and those of the co-signers of the petition.

I request the Selectmen make arrangements to reimburse me expeditiously for my legal costs so that this matter may be brought to a conclusion and prevent further legal action.

Sincerely,


Gary Johnson