

**I. Call to Order**

Chair Emily Creighton called the meeting to order at 7:02 p.m. There were also present Mr. Donald Gould, Selectman and Michael Pardue, Town Administrator. Selectman Henry Marsh had notified Selectman Gould that he would be delayed and expected to arrive later in the meeting. Mr. Pardue served as the Recording Secretary for this session.

**II. Selectmen Items**

A. RSA 41:14-a Acquisition of Sale of Land, Buildings or Both – Vote of Board of Selectmen re: Land located on the east side of Lafayette Rd. (Tax Map 003, Lot 083) in exchange for town owned land property located on the east side of Cedar Rd. (Tax Map 007, Lot 048)

Ms. Creighton summarized the fact that the Town had held two public hearings and one bond hearing pursuant to the requirements of RSA41-14-a.

There were no questions from those in attendance following Ms. Creighton's summarization.

**Motion/Vote: Mr. Gould made a motion to approve the exchange agreement between the Town and Pea Patch. Ms. Creighton seconded the motion. The vote was unanimous and so moved 2-0.**

B. Interim Town Administrator Discussion

Ms. Creighton stated that she feels the discussion of an interim Town Administrator should occur in non-public session as such discussion will include personnel related topics.

Mr. Gould agreed with Ms. Creighton.

#### C. Warrant Article Discussion

The Board reviewed in detail article 7 (citizens petition regarding the expenditure of \$900,000.00 for the purchase of land) and the related timing of bond notices and postings etc.

Ms. Creighton referenced the impossibility of complying with the bond hearing requirements and the related public notices. She cited that the legal department of the Local Government Center advised that the Town should hold a bond hearing even though the legal posting requirements could not be met. Legal opinion on file at Town Office.

Mr. Pardue advised that the Town has responded to the citizen's petition by immediately posting a bond notice and publicizing the bond hearing a local newspaper. He advised the Board that the bond hearing is scheduled for Tuesday, January 16, 2007.

The Board then reviewed the proposed warrant articles slated to be brought forward to the Budget Committee and the Deliberative Session. The articles being reviewed at this time reflected the revised language as proposed by the Department of Revenue Administration (DRA) – (See attachment reflecting the proposed warrant articles).

#### D. Town Report Discussion

The Board discussed the status of the draft Annual Report. It was cited by Mr. Pardue that it is anticipated that the DRAFT writings could go to press during the week of January 24<sup>th</sup>.

#### E. Status of Law Suits

Mr. Pardue advised the Board that the lawsuits filed against the Town by New Cingular Wireless and Grid Communications have been "dropped". He, Pardue, is planning to discuss this matter further with Town Attorney Robert Ciandella later this week.

#### F. Code Compliance Complaint – Phelps Fullerton

Mr. Richard Mabey stated he met with the individuals who reside at the site of the of the alleged violation.

Mr. Mabey stated that he has drafted a Cease & Desist Order and that he would be submitting same to the Town Attorney for review and following that review, would serve the order on the accused later by the end of the week.

The Board thanked Mr. Mabey for his attentiveness to this matter and urged him to effectively and consistently communicate with the complainants, Mr. Fullerton and Ms. Robin Reed.

G. Old Town Hall Organizational Meeting - Status

Mr. Mabey advised the Board that he would, as an Ad Hoc member of the Old Town Hall Committee, once again work to bring together the members of said committee in an effort to “organize” the group. The plan is that on 11/18/07, there will be an organizational meeting of this entity and that at that time, a committee chairperson can be elected.

The Board thanked Mr. Mabey; recognizing this effort was outside of his normal duties and responsibilities.

H. C.A.T.V. Committee – Status on Policies and Procedures

The Board, along with CATV Committee representative Laurel Pohl, discussed the in-house policies and procedures being utilized by the CATV Committee, particularly those that reference programming approval and content.

I. Questions and Comments

NONE

**III. Non-Public Session RSA 91-A:3 II (a,d,e)**

**Motion / Vote: Mr. Gould made a motion to temporarily adjourn the meeting at 8:46 p.m. for the purpose of entering into non-public session under the provisions of RSA 91-A:3 II (a, d, e) to discuss a personnel matter, legal issues and the acquisition, sale or lease of real or personal property. Ms. Creighton seconded the motion. Motion passed unanimously 2-0.**

\*\*Mr. Marsh arrived at 8:55 PM and participated in the meeting from this point forward.

**Motion / Vote: Mr. Gould made a motion to reconvene the public portion of the meeting at 9:16 p.m. Mr. Marsh seconded the motion. Motion passed 3-0.**

\*With Mr. Marsh now present, the Board decided they wanted to revisit the prior vote related to the real estate exchange agreement.

**Motion/Vote: Mr. Gould made a motion to reconsider the earlier vote that was taken in regards to the real estate exchange agreement between the Town and Pea Patch under the provisions of RSA 41-14-a. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.**

**Motion/Vote: Mr. Gould made a motion to adopt and approve the real estate exchange agreement between the Town and Pea Patch. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.**

The Board next discussed further the citizen's petition regarding the purchase of land in the amount of \$900,000.00 known on the draft warrant as Article 7.

**Motion/Vote: Mr. Marsh made a motion to NOT RECOMMEND Article 7. Mr. Gould seconded the motion.**

DISCUSSION: Ms. Creighton stated that she would like to see the land preserved.

Mr. Marsh and Mr. Gould reference that the land being considered is not useable for 28 years and therefore an unwise purchase.

Additional discussion ensued amongst the Board.

**VOTE CALLED: The vote was unanimous to NOT Recommend Article 7.**

The Board next discussed Article 16.

**Motion/Vote: Mr. Marsh made a motion to NOT RECOMMEND Article 16. Mr. Gould seconded the motion.**

Discussion ensued amongst the Board members.

**VOTE CALLED: The vote was 2-1 to NOT recommend – Ms. Creighton was the dissenting vote.**

#### **IV. Administration / Business**

##### **A. Correspondence**

NONE

##### **B. Other Business**

The Board discussed dates to meet with representatives of Aquarion Water Company on 1/24, 1/25 or 1/26. Consensus by the Board is to meet with Aquarion representatives on 1/26 at 10:00 AM and to invite the North Hampton Water Commissioners.

#### **V. Adjournment**

Being no further business to come before the Board, Mr. Gould made a motion to adjourn at 9:50 p.m. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

Respectfully submitted,

Michael Pardue  
Town Administrator