Those present: Arnold Scheller, Jordan King, Omer Ahern, Paul Manson, Francis Muzzey, Steve Welch, Paul DuBois, Andrew Lasser, and Linda Franz.

Called to Order: Arnold Scheller, Chairperson, called the meeting to order at 4:00pm.

A. Scheller reported that the cull logs were placed at Riverside Park and worked well over the weekend. This limits the parking to 7-10 cars, and no evidence of anyone trying to get around the logs.

P. Manson reported that the backhoe had been at the John Deere dealer, Nortrax, for two weeks for repairs. The Town rented a backhoe during that period. The cost for repairs and rental was approx. $4,400. Soon after getting the backhoe back from the dealer, it started to lose power and quit. As this is a commercial machine, it needs to be serviced at the dealership. Cost for diagnosis estimated to be from $1,500-$2,000. Something wrong with wiring or ECU. He also reported that the Town has spent approx. $50,000 for repairs during the last 2 1/2 years. He submitted three quotes for lease or purchase of new backhoe. He would like to try them out before making any recommendations.

O. Ahern made a motion for P. Manson to arrange to try out three backhoes for one week each if possible. Seconded by A. Scheller. All three voted in the affirmative, and the motion carried.

J. King made a motion to get the Town’s backhoe diagnosed by Nortrax. Seconded by O. Ahern. All three voted in the affirmative, and the motion carried.

Discussions pursued regarding leasing versus purchasing or bond. F. Muzzey and S. Welch stated that the Select Board has the authority to enter into a lease agreement. Bond procedure may be too complicated. F. Muzzey calculated interest on quoted lease amount to average about one percent interest per year, so probably not worth going with a bond. Purchase option would require a vote at a Town Meeting.

J. King feels that it should be decided at next March Town Meeting. He is not in favor of a Special Town Meeting as attendance may be low due to pandemic. He suggested repairing the backhoe and either sell it or keep as a spare.

A. Scheller is leaning toward a lease and no Special Town meeting as it can get expensive and would like to keep things simple. S. Welch provided some procedures for holding a Special Town Meeting, and they are a part of these minutes.

F. Muzzey asked how long the quotes were good for. P. Manson will find out.
Also discussed was the possibility that the Town may have to replace the International truck in the near future and the use of capital reserves.

Discussed the need to appoint an ex-officio for the Planning Board, either a Select Board member or an appointee. O.Ahern expressed his interest as he had served before. J.King made a motion to appoint O.Ahern as ex-officio for the Planning Board. Seconded by A.Scheller. J.King voted yes. A.Scheller voted yes. O.Ahern abstained. The motion carried with a quorum vote.

S.Welch presented his plan for the upcoming State elections.

Due to COVID-19 and in an attempt to keep everyone safe, the following procedures will be enforced at the September 8, 2020 State Primary Election:

- Elections to be held at the Wentworth School, and no classes will be in session.
- Police or Select Board member or appointee will monitor the school entrance.
- Anyone entering the school must wear a mask.
- If refusal to wear a mask, the Moderator or Town Clerk will deliver a ballot outside in the parking lot. After completed, they will bring to the ballot box.
- Hand sanitizer, wipes and small pencils will be provided.

O.Ahern made a motion to adjourn. Seconded by A.Scheller. All three voted in the affirmative, and meeting was adjourned at 5:05pm.

Respectfully submitted by: Linda Franz, Administrative Assistant

Arnold Scheller, Chair   Omer C. Ahern, Jr.    Jordan King
practice to put all petitioned articles on the warrant, unless the select board has a clear legal opinion from the town's attorney, or a ruling from a court, stating that the article can be omitted.

D. Special Meetings

When calling a special meeting, the select board must publish a copy of the warrant in a newspaper of general circulation in the town within one week after posting the warrant. RSA 39:4. No money can be raised or appropriated, nor can any appropriation previously made be reduced or rescinded, at any special meeting unless voting is by ballot and the number of ballots cast is equal to at least half of the number of legal voters on the town checklist at the preceding annual or biennial election. RSA 31:5. Otherwise, superior court permission is required. As a practical matter, almost no town can expect a turnout of half the voters, so the alternative of petitioning the superior court must be used. The court must find that an "emergency" exists. If the court grants permission, then the special meeting has the same authority as an annual meeting over the particular emergency expenditure. RSA 31:5.

1. Special Notices

If the select board votes to seek court permission for a special town meeting, a copy of that vote must be posted within 24 hours, and the court petition cannot be filed until at least 10 days later. Within 24 hours of receiving notice from the court of the date of the hearing, the select board must post notice of that court hearing date. Both notices must be posted at the select board's office as well as at two other public places and must be published in a newspaper. RSA 31:5, IV. On or before the date of filing the petition with the superior court, the select board must forward a copy of the petition and warrant article(s) by certified mail to the commissioner of the department of revenue administration.

2. What Is an Emergency?

In order for the superior court to grant a petition from the select board for a special meeting to appropriate money, without half the town's voters present, there must be "an emergency requiring an immediate expenditure of money." RSA 31:5, l(b) and (c) provide as follows:

'Emergency' for purposes of this section shall mean a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt or immediate action, including an immediate expenditure of money. This definition, however, does not establish a requirement that an emergency involves a crisis in every set of circumstances.

To verify that an emergency exists, a petitioner shall present and the court shall consider a number of factors, including:

- The severity of the harm to be avoided.
- The urgency of the petitioner's need.
- Whether the claimed emergency was foreseeable or avoidable.
- Whether the appropriation could have been made at the annual meeting.
- Whether there are alternative remedies not requiring an appropriation.

A similar statute, RSA 197:3, largely identical in wording, applies to school districts.

Once court permission is granted, the special meeting can be used to act on other warrant articles that the select board may wish to insert, even though the court order doesn't include those articles, so long as the town does not try to appropriate money for a purpose not approved by the court.
3. Exceptions to Requirement of Court Permission

There are two exceptions to the requirement that special meetings called to appropriate money must have court permission.

Disaster Funds: If the purpose of a special town meeting is to authorize the expenditure of federal funds allocated to the town as a result of a major disaster as declared by the governor and to appropriate the local matching share for such funds, the law allows this to be done without either meeting the 50 percent voter attendance requirement or receiving court permission. The authorization to expend federal funds and the appropriation of matching funds are the only actions that can be taken at this kind of special meeting. RSA 31:5-a.

Collective Bargaining: When an article dealing with collective bargaining agreement cost items or a fact finder’s report has been placed properly on the warrant for the annual meeting, a contingent article may be inserted by the governing body or by petition allowing the governing body to call a later special meeting if the cost items or fact finder’s report are rejected at the annual meeting. The suggested wording is: “Shall [the local political subdivision], if article ______ is defeated, authorize the governing body to call one special meeting, at its option, to address article ______ cost items only?” RSA 31:5, Ill.