

**BOARD OF SELECTMEN
TOWN OF MADISON
FEBRUARY 17, 2015
MINUTES**

Selectmen Present: Chairman John Arruda, Josh Shackford, and Michael Brooks.

Others Present: Town Administrator Melissa Arias; residents Ron Force, Ed Rogerson, Bill Lord, Eli Szklanka, Charlotte Emmel, Audrey Epstein, Stuart Lord, Karen Lord, Bill Lord, Cindy Lord, Noreen Downs, Mike Veilleux, George Epstein, Marcia McKenna, Ray O'Brien, Peter Stevens, Chris Martin, Paul Jean; SAU 13 Superintendent Lou Goscinski and Business Administrator Chuck Bates; and Madison TV Videographer Tim Hughes.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on February 4, 2015 and published in the Conway Daily Sun on February 7 & 17, 2015.

Meeting Called to Order: By Arruda at 5:30 p.m.

APPROVAL OF MINUTES – There were no minutes to approve at this Public Hearing.

APPROVAL OF MANIFEST – There was no manifest to approve at this Public Hearing.

SIGNATURE ITEMS – There were no signature items at this Public Hearing.

PUBLIC HEARING – Arruda introduced the statutory Public Hearing (RSA 40:14, IV) on the petitioned warrant article asking the voters to consider adopting RSA 40:13, also known as SB2 or official ballot voting, for the Town. Arruda said the warrant article, if approved by 3/5 majority vote, would change Madison's traditional Town Meeting to SB2 ballot voting. Arruda said the major difference that would be seen by voters is the Deliberative Session that is held in advance of Election Day (between January 31 and February 7). At the Deliberative Session voters would discuss the warrant articles proposed by the Board of Selectmen or submitted through petition and vote any amendments. The Deliberative Session would then recess until Election Day when all warrant articles would be voted on by ballot. Arruda opened the public comment portion of the hearing and pointed out that lead petitioner Mark Graffam wasn't present to open the discussion. Graffam also filed a petitioned article last year which failed to meet the 3/5 majority vote by a fraction of one percent.

PUBLIC COMMENTS -

Ron Force asked the Selectmen for their opinion on SB2 for the Town. Arruda said this year's Town Meeting will be his 15th as a Selectman. Arruda prefers the traditional Town Meeting format over SB2 and is comfortable with the Town Meeting process but will work with whatever the voters decide. However, Arruda said he can recall a number of warrant articles that have come before Town Meeting over the years that might have had a much different outcome had the topic not been discussed on the floor of Town Meeting prior to the vote. Arruda said Town Meeting attendance averages about 150 voters where Election Day usually brings in twice that number. Arruda said one argument against Town Meeting is voters may not be as informed prior to casting their vote if SB2 passes. Arruda said the Town of Conway has a very small turnout at their Deliberative Session. He hears Conway residents talking each year about trying to rescind SB2.

Brooks said he's a traditionalist and likes to cast his vote immediately following discussion and debate at Town Meeting. Brooks said Town Meeting is democracy in its purest form and only takes up part of one Saturday each year. Brooks personally doesn't like change and feels the Town's calendar will be turned on its head with the 20+ additional requirements that come with SB2.

Shackford said he supported the petitioned warrant article for SB2 last year and will vote for it again in 2015. Shackford's personal opinion is that one vote should be equal to one vote and not be swayed by the personalities or general population of Town Meeting attendees.

Eli Szklanka said he also voted for SB2 in 2014 but changed his mind after sitting through last year's Town Meeting. Szklanka said he watched the majority of the Selectmen and Budget Committee change their recommendation on one of last year's warrant articles during Town Meeting which ultimately resulted in the article being voted down after discussion and deliberation. Szklanka said he doesn't see SB2 as a positive for the Town or the School, especially where there is only \$3,800 difference between the School's 2015 proposed operating budget and default budget (budget = \$5,861,092 vs. default = \$5,864,938). Szklanka has researched the additional requirements of SB2 and how articles can't be amended or removed from the ballot after the Deliberative Session.

Marcia McKenna asked the Selectmen how the line-by-line review of the operating budget on the floor of Town Meeting would change with SB2. Arruda said the only way to change a line within the operating budget under SB2 would be to propose an amendment at the Deliberative Session. Brooks said SB2 warrant articles can't be eliminated at the Deliberative Session but the appropriation could be reduced to a smaller amount, including zero. McKenna said a lot of southern NH towns are working very hard to rescind SB2 and revert to the traditional town meeting form of government. Brooks said no NH municipality or school district that adopted SB2 has been successful in rescinding the vote. Szklanka pointed out that there were about 40 people at this year's School Deliberative Session and of those 23 were not in some way affiliated with the School/SAU, School Board, or Budget Committee.

Peter Stevens said it would be a big loss if Madison deviated from the traditional Town Meeting, which much like Old Home Week gives participants a true sense of community.

Ed Rogerson said the average attendance at a Deliberative Session is too small of a voter cross-section. He said the argument of voters not being able to attend Town Meeting will likely hold true for the Deliberative Session. He sees SB2 as an abdication of duty where voters will only vote on Election Day and not attend the Deliberative Session.

Ray O'Brien said SB2 for the Town would allow voters who are out-of-town or working to vote on every warrant article through an absentee ballot. Currently the only articles printed on the ballot are election of officers and zoning amendments. O'Brien added that there is no constitutional requirement to attend Deliberative Sessions or Town Meetings in order to be an informed voter. O'Brien said the School's Deliberative Session attendees haven't been overly inclined to amend appropriations for tentative warrant articles or to reduce the appropriation to zero.

Epstein said the decision to adopt SB2 on the Town side is a big deal. He said the voters have chosen to elect a governing body (Board of Selectmen) that has the duty of establishing the annual operating budget and warrant which is discussed, possibly amended, and voted on Town Meeting day. Changing to SB2 takes much of the control away from the voters and puts it in the hands of the Selectmen, who would then

not only control the proposed warrant and budget amounts but also the annual default budget. Epstein said the State law is vague regarding what goes into a default budget so many School Boards and Boards of Selectmen around NH have gotten creative in propose very close numbers for the annual operating budget and default budget figures. This leaves the voters very little choice. Epstein said Town Meeting is the simplest and most democratic form of government. There are very few NH towns comparable to the size of Madison that have adopted SB2 for their town or school district. Epstein said Election Day usually yields 400 voters and between 100-350 voters show up for Town Meeting as opposed to the 30-50 voters who show up at Madison School District's Deliberative Session. Epstein said Conway's last traditional School Meeting had 1,000 voters in attendance where their first Deliberative session only had 50 voters present. This differential, according to the State statistics, is common. Epstein said the small number of Deliberative Session attendees don't represent the majority of the voters and typically aren't inclined to zero out warrant article appropriations or make changes to the warrant because they feel voters should be able to vote on what the School Board has recommended. Epstein said the SB2 proponents prefer the republic form of government and need to be willing to put their faith in the Selectmen and School Board members who work so hard and put in the time to make decisions about the operations of the Town and School. Epstein said deviating from the traditional Town Meeting will cause participants to miss out on the camaraderie, humor, food, and entertainment Town Meeting brings to the legislative process. Epstein said no Moderator in NH supports SB-2 because they ran for office in order to preside over the Town or School Meeting while leading voters through the deliberations and actual voting that is the legislative process, not to run a Public Hearing. Epstein said SB2 is very difficult to put in place and also to reverse since 60% of voters have to vote in the affirmative to adopt or rescind it. Last year's vote to adopt SB2 for the Town was defeated by a fraction of a percent. Epstein said if Madison's Town Meeting attendance is going to decline, or voters don't want to put in the effort, then maybe we should get out of the democratic business, convert to SB2, and let our Selectmen and School Board run the Town. Epstein hopes enough voters still care and want to be active in the community's legislative process of having a say and influencing the outcome, looking at each line item, and voting in a full way on very complex issues. Epstein says he is approached by many voters on Election Day who incorrectly mark their ballots or don't understand the topic printed on the ballot. Epstein doesn't see any way for voters to be fully informed unless they take part in the meetings and discussions leading up to the vote. Epstein said democracy involves an effort and if voters don't want to put forth the effort then they should support SB2 and turn the reigns over to the Board of Selectmen.

Arruda pointed out the small attendance at this hearing tonight, which is the only opportunity for voters to ask questions and discuss the merits of the petitioned article. In theory, only 1% of Madison's registered voters have come out regarding SB2.

Szklanka said so far in the State of NH there have been 45 petitioned articles to rescind SB2. However, the statutory language for rescinding SB2 is worded in such a way that voters might think they are giving up or forfeiting their right to vote entirely. Brooks read from RSA 40:14, VII regarding rescinding SB2, which states, "Shall we rescind the provisions of RSA 40:13 (known as SB2), as adopted by the (local political subdivision) on (date of adoption), so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other question for which the official ballot is required by law?"

Charlotte Emmel said she often plans her vacations around Election Day and Town Meeting so she can attend and cast her votes.

O'Brien talked about comparisons between the School's proposed annual operating budget and the default budget amount. O'Brien said a declining school population has caused the School Board to look closely at the budget and propose cuts which has resulted in the default budget being very close to the proposed budget. O'Brien said the default budget amount more recently has been higher than the proposed annual budget due to budget cuts.

Jim Curran said Madison School District has some unique situations that would benefit by the open forum of a traditional school meeting. He used the tuition to the Middle School and High School as one example. Curran is in favor of rescinding SB2 on the school and would also vote against adopting SB2 for the Town.

Mike Veilleux said he's more concerned about his right to vote and less concerned about whether his vote is cast at Town Meeting on entirely on the Election Day ballot with SB2. Veilleux also respects other people's right to vote and has asked residents why they don't attend Town Meeting. The responses received by Veilleux vary. Veilleux said some people don't want to be judged after speaking up at public meetings and some may not attend because they're concerned about reactions if they do speak up. Veilleux will continue to exercise his constitutional right to vote and would like to see discussions kept to the interest at hand. Veilleux sees Madison TV and their internet-based program streaming a big asset to the voters of Madison, especially those who don't have cable TV. Veilleux feels Madison TV's sound quality needs to be improved because the noise of the Town Hall furnace makes it difficult for the microphones to pick up sound.

THERE WERE NO FURTHER PUBLIC COMMENTS

6:15 PM – Brooks made a **motion** to adjourn, seconded by Brooks, and so voted **3-0**. Following the Selectmen's Public Hearing on the adoption of SB2 for the Town, the School Board conducted their statutory Public Hearing regarding the receipt of a petition to rescind SB2 for the Madison School District at 6:30 p.m. in the Town Hall Meeting Room.

NEXT SELECTMEN'S MEETING – The next Selectmen's meeting will be Tuesday, February 24, 2015 at 5:30 p.m. in the Town Hall meeting room. The Fire Commissioners will also meet during the posted Selectmen's Meeting.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary