

**Town of Newington
Board of Selectmen
July 31, 2001 Meeting / Public Hearing Minutes**

Present: Board of Selectmen (BOS), Chairman Christopher Cross (C), Selectmen Cosmas Iocovozzi (I), & John (Jack) O'Reilly (R).

Chairman Cross called the Public Hearing to order at 7:00 p.m.
The Pledge of Allegiance was recited.

Chairman Cross introduced the Board and made some introductory remarks including acknowledging Mayor Sirrell's work on behalf of the Newington and the Coalition Communities and thanking her for attending this evening's hearing. Chairman Cross then read the Citizens' Petition.

Citizens' Petition to Invoke Article Ten of the State Constitution

We the undersigned petition the Town of Newington (Board of Selectmen) to invoke Article Ten of the State Constitution which reads as follows:

Article 10. (Right of Revolution) Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Selectman O'Reilly made some introductory comments. He read a prepared statement and an excerpt from the History of Newington book. Selectman Iocovozzi made some introductory remarks and he outlined some "Rules of Procedure" that the Board wanted to follow for the public hearing.

Mayor Sirrell

The Board invited City of Portsmouth Mayor, Evelyn Sirrell to speak. Mayor Sirrell read from a prepared statement that made the following points:as mayor of another community hit hard by this unfair state property tax, she could understand the frustration of Newington residents....citizens need to turn their frustration into political action to overturn this tax...we will continue our fight against this grossly unfair tax in the court and in Concord and at every level possible.

Fred Smith of Little Bay Road

Smith said he did not support this action. He commented that Article 10 allows residents not the Town, a political entity, to take this action. He addressed the Board of Selectmen stating that if you can't live by your oath, resign.

Alfred Smith of Newington Road

He stated that the Petition was not well thought out and not well rounded. He stated that he believed it would cost the town to take over many services provided by the state such as 911, UNH Tuition costs, PSNH, police and fire retirements costs.

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Ralph Estes of Little Bay Road

Estes said Governor Shaheen lied about the “sunset” provisions of the State tax, but if it benefits the State it isn’t a lie. He stated he couldn’t think of a better way to send a message to the State and we have a right to do something against bad government.

Paul Kent of Little Bay Road

He stated he was absolutely against this concept. Kent asked to hear who signed the petition.

Chairman Cross made some comments and then read the signatures from the three page petition.

Wayne Feenstra of Welsh Cove

This resident said the State had a conflict of interest with the courts and with Concord and he suggested the battle go to federal court. He stated it looked more like socialism not democracy.

Rich Hamilton of Gundalow Landing

He suggested a petition to recall the Governor immediately.

Mahlon Frink of Newington

Frink read from a prepared statement that included the comment that donor communities’ money was being used without appropriate controls to ensure it was being used for educational purposes. The so-called education funding was merely reduced tax relief for other towns.

Elisa Smith of Little Bay Road

She said she was not in favor of it. She asked for the intended process and whether the petitioners or the town would pay the costs.

Chairman Cross commented that the Board would not take any illegal action. Selectman O’Reilly said the Town had budgeted \$50,000 for legal costs to fight with the Coalition and recently the Board had voted to spend up to \$2,000 to research Article 10. He suggested the next step in the process might be a formal town vote.

Barbara MacDonald of Newington Road

She thanked the Board for having the hearing. She mentioned that drastic times take drastic actions. She asked whether Pease Airport issues couldn’t be incorporated into any Article action, also she said that the Airport had contributed to some loss of quality of life for Newington residents.

Selectman O’Reilly made some comments regarding the town being a fighter, that Newington took a stand against the noise issue.

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Alfred Smith (2nd time)

He asked rhetorically about the tax being an unfunded mandate prohibited by the State Constitution. He said that Justice Brock and the others were puppeteers.

Steve Bush of Hannah Lane

He said he would have signed the Petition, he supported the Petition. He stated that for all the money sent to Concord because of this tax, Newington could send all their kids to private schools and then on to college.

LuLu Pickering of Newington

She said she favored taking political action through a political action committee. She also mentioned she was embarrassed by what a lot of residents had said against their spending for education.

Gail Pare of Little Bay Road

She said the Petition was intriguing. She suggested looking at joining the State of Maine.

Laura Pantelakos – State Rep. and Portsmouth Councilor

She suggested the “donor towns” meet with the “receiver towns”. She said she didn’t believe that the receiver towns fully understood the hurt being done to the donor towns by this tax.

Russell Cox – State Rep.

He suggested a joint meeting take place with the New Castle, Rye, and Newington Selectmen and State DRA officials.

Florence Reed of Fox Point Road

She said she supported the Selectmen in revolting against this unfair tax.

Leonard Thomas of Newington

He suggested the State should report on their spending. He commented that in NH, “Live Free or Die”, does everyone in Concord think we died?!

Ralph Estes (2nd time)

He emphasized that this tax was not education funding.

Betty Tobey of Rye & TRASH (taxpayers’ revolt against state hijinks)

She said the State Plan was not democratic. She pointed out that assessments were not being done according to law and the State Constitution.

State Senator Burt Cohen

He read from a prepared statement that included commenting – he was angry at the passage of HB 170 that locked in this tax, not all legislators voted for it, he had not, he was looking for a better and fairer option, a fair and dedicated funding to education that was based on the ability to pay.

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Bob Hickman of Dover

He suggested studying cases elsewhere in the country. He stated that privatization of schools should be examined and federal relief should be sought.

The Chairman closed the hearing for comments and the Board made some closing remarks.

Selectman Iocovozzi stated it was up to the residents, to individuals to invoke Article 10, not the Board of Selectmen.

Selectman O'Reilly read from a prepared statement (see attached).

Chairman Cross said that the Board would take some time to craft a ballot for voting at a special town meeting, perhaps in September. He said the board may also schedule another hearing prior to the vote to discuss the ballot. Cross said the Board received a message this evening to move the matter forward to take some kind of action.

Chairman Cross officially closed the public hearing at 8:48 p.m. and the meeting was adjourned.

Respectfully submitted,

Robert M. Belmore

(Note: this is not intended to be a complete listing of all speakers at the hearing nor a complete text of the comments made by those listed.)