

To see or not to see: A stunner for town meeting time

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"To see" or "not to see," that is the question Barrington voters will get to weigh in on at town election this month.

"To see" is the question? Yes.

"But I can vote no?" Yes.

"I see."

It sounds like the old Abbott and Costello "Who's On First?" skit. But it is a tad more serious and everyone who cares about how their towns are governed ought to pay attention to this issue.

People who attend a deliberative session in advance of town voting day are supposed to be able to change the thrust of a ballot question, but not its subject matter.

As Union Leader correspondent Clayton Namuo explained in recent stories, voters could change an article from buying a police car to not buying a police car. But they couldn't change it to buying or not buying a fire truck.

The law, which brought so-called SB2 town meetings into being years ago, also says a properly petitioned article cannot be removed from the town ballot.

The article before Barrington voters had originally asked if voters wanted to see if private investors and developers should pay for improvements, such as to roads, in the town center and village district. But those who turned out for the deliberative session, which precedes town ballot voting, struck everything in the article after the words "to see."

The two men (one is Selectman Ken Grant) who petitioned for the article went to superior court, arguing that what was done was tantamount to removing their article. Barrington's town attorney, however, said the article had not been removed, just changed in accordance with the will of the voters in attendance at deliberative session.

Judge Steven Houran sided with the town attorney.

"The town provided the voters with notice as to the subject matter at the meeting and a majority of the voters at the deliberative session elected to change the language of the warrant article," Houran wrote.

Wow.

Atty. Tony Soltani, for the two petitioners, called the judge's conclusion "breathtaking" in that the judge decided that "nothing" is the same subject matter as "town village/center."

"That means that deletion will be the same subject matter as any warrant article," Soltani said. "This is going to wreak havoc at town meetings across the state if this is allowed to stand."

We expect someone will either appeal this to the state Supreme Court or move to amend state law. Whichever way it shakes out, the lesson is the same and it is true both for towns that have stuck with the classic town meeting form of government or those who have moved to the SB2 (Senate Bill) alternative:

If you don't participate, someone else is going to be making the decisions for you.