

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Grafton, ss

Docket No. _____

In Re: Town of Bristol

**COMPLAINT FOR PERMISSION TO
HOLD A SPECIAL TOWN MEETING**

1. RSA 31:5 grants the Selectmen authority, in the case of an “emergency,” to petition the Court for permission to hold a special town meeting which, if granted, will give said meeting the same authority as an annual town meeting for the purpose of raising and appropriating money.

2. The term “emergency” is defined in RSA 31:5, I(b) as “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.” The statute emphasizes that “This definition... does not establish a requirement that an emergency involves a crisis in every set of circumstances.”

3. Such an emergency has arisen in Bristol (the “Town”); namely, the opportunity to purchase real estate at 5 School Street, Bristol, New Hampshire (Tax Map 114, Lot 012) (“the Property”), currently owned by LRGHealthcare (“the Seller”), for the purpose of renovating the Property to create new work space for the Bristol Town Office Building.

4. The Bristol Select Board (“Board”) would have made an appropriation to purchase the Property at the Town’s March 2018 annual town meeting (the “Town Meeting”) but the Property was not available.

5. On July 31, 2018, the Town executed a purchase and sales agreement with the Seller, contingent upon approval of an appropriation at a special town meeting. Exhibit 1.

6. The Selectmen propose to call a special town meeting on November 1, 2018, to act upon the following warrant article:

“To see if the Town will vote to raise and appropriate the sum of Eight Hundred Ninety Nine Thousand Six Hundred Thirty Seven Dollars (\$899,637) to purchase the land and buildings at 5 School Street (Tax Map 114, Lot 012), and to pay for the final design and renovation of the property to create a new Town Office Building with Two Hundred Fifty Thousand Dollars (\$250,000) to come from the unassigned fund balance and to authorize the issuance of not more than Six Hundred Forty Nine Thousand Six Hundred Thirty Seven Dollars (\$649,637) of bonds or notes in accordance with the Municipal Finance Act (RSA 33) and authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon. The first principal and interest payments will be included in the 2020 budget. (2/3 ballot vote required, polls open for one hour).”

7. The circumstances of the case meet the standards contained in RSA 31:5, I(c) as follows:

(a) *“The severity of the harm to be avoided”* – Here, the severity of the harm to be avoided is as follows: the existing Bristol Town Office Building which also serves as the Town’s Police Station (i) is currently in noncompliance with the Americans with Disabilities Act; (ii) poses hazards associated with overcrowding and safety to those accessing the building due to the fact that it is in a serious state of disrepair, (iii) does not properly separate adults and juveniles detained by the Bristol Police Department as

required by law, and (iv) does not provide separate locker facilities for men and women. Furthermore, this Property provides a unique opportunity for the Town to purchase existing commercial property rather than, constructing an entirely new municipal building. The Town has been examining options, for a number of years, to address its needs for a new Town Office Building as well as a Police Station. Given the lack of inventory of commercial grade office property in the downtown area, the Town will likely have to resort to building either a new Town Office Building or a Police Station if it is unable to purchase the Subject Property. In the event that the Town had to build a new structure, the costs of such would likely be much higher than the expected purchase of the Property and any subsequent renovation. As such, the taxpayers of Bristol stand to carry a much greater burden in the event that the Town would need to undertake an alternative which, at this point, would likely involve building an entirely new structure. Consequently, an additional harm to be avoided is the high cost associated with addressing the Town's municipal building needs if the Town cannot pursue the opportunity to purchase the Subject Property.

(b) *"The urgency of the petitioner's need"* – Here, urgency is created by the limited time available for the Town to close on the Property since the Seller intends to quickly sell it to another buyer if the Town does not act expeditiously to acquire it. Further, the Town will not be able to satisfy its obligations pursuant to the grace period provided by the Equal Employment Opportunity Commission in order to renovate the existing Bristol Town Office so that it meets ADA standards. Without the purchase of the

Property to meet ADA standards, the Town could face serious penalties and hardship.

(c) *“Whether the claimed emergency was foreseeable or avoidable”* – Here, the emergency was not foreseeable or avoidable since the Property was not available at the time of the Town Meeting. Since the Property just became available, the Town has a small window of time with which to purchase it before said Property is sold.

(d) *“Whether the appropriation could have been made at the annual meeting”* – the Property was not known to be available at the time of the Town Meeting, so there was no reason and/or opportunity to make an appropriation then.

(e) *“Whether there are alternative remedies not requiring an appropriation”* - The goal of acquiring the Property is for the purpose of creating a new Town Office Building which can only be accomplished through an appropriation as funds will be necessary to acquire the Property as well as to undertake renovations to make such suitable for the Town’s purposes as a municipal building.

8. The Town has filed herewith the affidavit of Nicholas J. Coates, Bristol Town Administrator. He has attested to the facts contained in the Town’s Petition. He has also attested to documents from the Town’s files, true copies of which are enclosed.

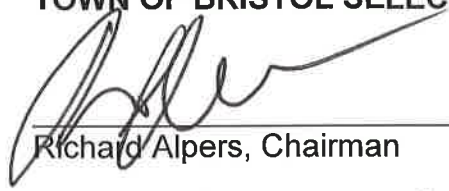
WHEREFORE the Petitioners request the Court to grant the Selectmen of the Town of Bristol permission to hold a special town meeting on November 1, 2018, for the consideration of the aforesaid Article, and that said meeting shall

have the same authority as that of an annual town meeting as provided in RSA 31:5.

Dated August 23, 2018

Respectfully Submitted,

TOWN OF BRISTOL SELECTMEN


Richard Alpers, Chairman


Donald Milbrand, Vice Chairman


Leslie Dion


J.P. Morrison

Wayne Anderson

NOTICE OF SELECTMEN'S INTENT TO SEEK COURT PERMISSION FOR SPECIAL TOWN MEETING

On August 23, 2018, the Town of Bristol Board of Selectmen voted to seek permission from the Superior Court to hold a Special Town Meeting for purposes of acting on the following warrant article:

"To see if the Town will vote to raise and appropriate the sum of Eight Hundred Ninety Nine Thousand Six Hundred Thirty Seven Dollars (\$899,637) to purchase the land and buildings at 5 School Street (Tax Map 114, Lot 012), and to pay for the final design and renovation of the property to create a new Town Office Building with Two Hundred Fifty Thousand Dollars (\$250,000) to come from the unassigned fund balance and to authorize the issuance of not more than Six Hundred Forty Nine Thousand Six Hundred Thirty Seven Dollars (\$649,637) of bonds or notes in accordance with the Municipal Finance Act (RSA 33) and authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon. The first principal and interest payments will be included in the 2020 budget. (2/3 ballot vote required, polls open for one hour)."

The Selectmen intend to file the petition with the Grafton County Superior Court on or after September 10, 2018.

This Notice is posted and published pursuant to RSA 31:5, IV.

Date of Posting: August 24, 2018

Town of Bristol Selectmen


Richard Alpers, Chairman


Donald Milbrand, Vice Chairman



Leslie Dion


J.P. Morrison



Wayne Anderson

Certificate of Service on Department of Revenue Administration

The Bristol Board of Selectmen certify that a copy of the within Petition for Permission to hold a Special Town Meeting has been sent to the Commissioner of the Department of Revenue Administration pursuant to RSA 31:5, by certified mail on August 24, 2018.


Richard Alpers, Chairman


Donald Milbrand, Vice Chairman


Leslie Dion


J.P. Morrison


Wayne Anderson