

**Minutes
Selectmen's Meeting
February 14, 2011**

6:30 PM Chair Bock opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Peter Bock, Mary Bonser, and Gary Anderson.

Guests: Robert Sprague, Brian Stucker, Hal Rafter, Judy Doughty, Chris Mills, Gail Mills, Donna Danis, June Proko, John Morin, Joan LeBlanc, Peter Perron, Gail Fensom, Susan Johnston, Ken Sachs, Jeff Gurrier, Karen Batchelder, Bob Abrams and numerous other residents.

Others: Town Administrator Charles Brown and Heidi Seaverns.

Chair Bock announced that the Board would handle their administrative business-department reports and the like-before their appointments. He then recognized Mr. Brown. Mr. Brown stated that he had received a letter from the Fire Department that commended the Road Agent on his quick & helpful response to an emergency call early in the morning on February 11, 2011. The ambulance was at an emergency call and it was unable to make it out of the driveway due to the icy conditions. The Road Agent responded right away and was able to sand the driveway to enable the ambulance to safely leave the property & proceed to the hospital.

Mr. Brown then reported to the members that the Highway crew has been working diligently since the collapse of the garage to establish a base of operations as well as maintaining the roads. The old Fire Station is serving as the base of operations. The trucks are being housed in one of the sheds at the pit. Everything that is salvageable has been removed from the building. Mr. Brown informed the members that he had spoken with the demolition company & they would be removing the rest of the building this week. We have found a garage in Town that the department will be able to use for maintenance. The property owners live out of state and have been very helpful. Mr. Brown went on to say that the claims adjustor from the insurance company was here on Friday afternoon. The building was insured for replacement cost & the contents were insured as well. There have been many ideas about what type of building to build and where it should be located. Mr. Anderson stated that he had spoken with the Building Committee Chairman in regard to calling a meeting for this purpose. Mr. Brown said he would be working on the list of contents with the Road Agent. He was waiting for an agreement from the attorney for the lease of the garage. He is also trying to find a reasonable price to pay for renting the garage. On a related note, Mr. Brown told the Board that he had contacted the roofer that the Town has used and they were here last week shoveling off the roofs of various Town buildings. The work will put a dent in the building maintenance line but it was work that had to be done.

Mr. Brown informed the Board that the Fire Chief had issued an assembly permit for the Old Town Hall (68 people) and it was being posted at the building.

Mr. Brown reported that a resident had contacted him about a mistake in the warrant. Warrant article # 4 references Article# 10 and it should be Article # 12. Mr. Brown explained that this should have been renumbered but was not.

Members then reviewed and completed the Move & Second list for Town Meeting with the exception of the operating budget, Article # 4. The Budget Committee has done this article in the

51 past couple of years but it is unknown if they plan on doing it again this year. Ms. Danis offered
52 to email the Chairman of the Budget Committee to ask him. Having this list makes the process
53 easier on Town Meeting day. Mr. Brown mentioned that the Town had received a proposal from
54 UNH to digitize our tax maps at no cost. At this point, it is not known if this would produce the
55 same product as warrant article # 10 will provide. Ms. Seaverns will gather the information and
56 report back to the Board.

57
58 Members reviewed the bills to be paid & signed the manifests. The Board will act on the
59 outstanding minutes at their next meeting.

60
61 Mr. Brown mentioned that the State Budget would be presented to the full Legislature tomorrow.
62 He then mentioned that there are numerous House bills before the legislature that deal with the
63 State retirement system. They deal with a myriad of issues such as compensation and what is
64 used to determine retirement wage, the town's contribution amount (which has increased over
65 the last couple of years) and changing the age & service limits for new & non-vested employees.
66 A member of the audience asked which Town employees are in the State retirement system. Mr.
67 Brown answered that only full time Police & Fire/Rescue employees are in the State system. He
68 went on to say whatever is decided about the retirement system will most definitely have an
69 impact on the towns.

70
71 7:00PM-Chair Bock acknowledged their first appointment of the evening-Brian Stucker. Mr.
72 Stucker stepped forward to address the Board. Representative Duarte had originally been
73 scheduled to be at the meeting as well, but he had a prior commitment this evening. Mr. Stucker
74 wanted to inform the Board that HB 77 had been signed into law on February 4, 2011. The intent
75 of the law is to prevent the legislative body from removing the intent of a warrant article during
76 the Deliberative Session (SB 2). It is commonly known as the "To see" law. Mr. Stucker then
77 told the Board that since his name is on the ballot this year, he cannot serve as Moderator on
78 Election Day. He went on to say that he had spoken with Tom Sweeney and he has agreed to
79 serve as Moderator on Election Day. Mr. Stucker stated that Mr. Sweeney would be the
80 Moderator on Election Day but he could resume his duties for Town Meeting Day. He then
81 requested that the Board vote on Mr. Sweeney's appointment.

82 **Motion:** Bonser, second Anderson to appoint Tom Sweeney as Moderator Pro Tem for Election
83 Day, March 8, 2011 and that his appointment ends at the end of the day on said day.

84 **Vote:** 3-0 in favor.

85
86 Mr. Stucker stated that the voting machine needed to be tested prior to the election and he would
87 make contact with the company to arrange that. He informed the Board he had ordered 900
88 ballots. He indicated he would show Mr. Sweeney how to deal with the tag system on the
89 machine. Mr. Stucker thanked the Board for their time and rejoined the audience.

90
91 7:07PM-Chair Bock recognized the Board's next appointment, Robert Sprague. Mr. Sprague
92 stepped forward and asked the Board how they handle requests from other Boards & Committees
93 in Town. He went on to say that this question was in response to the request the Budget
94 Committee had made in regard to the Board of Selectmen (BOS) about Emergency lanes. Ms.
95 Bonser stated she would like to respond. Chair Bock asked her to wait. He then recognized
96 Donna Danis who asked that Ms. Bonser be allowed to address the request that had been made at
97 the Budget Committee meeting. Ms. Bonser stated that as a result of the failed motion to cut the

98 Highway Budget by \$ 45,000 during the deliberations of the Budget Committee at the Town
99 Budget Public Hearing, the Committee voted on a request to the Selectmen to address the
100 emergency lane issue. Ms. Danis said that the Budget Committee voted to request that the BOS
101 hire an independent third party to review the issue of emergency lanes in Nottingham. Ms.
102 Bonser then gave an interpretation of RSA 231:59-a (Emergency Lane Statute) that she had
103 prepared after a review of the statute itself and the review of documents on NH Office of
104 Emergency & Planning website as well as the Local Government Center (LGC) website. She
105 stated that she believes RSA 231:59-a allows town to spend public money on private roads and
106 Class VI roads in order to protect the safety & security of all citizens of the community. She
107 stated that the Fire Department was an integral part in the original process of designating the
108 emergency lanes. At this time, Mr. Sprague rejoined the audience & Ms. Mills stepped forward
109 to address the Board. She stated she was acting in her role of Budget Committee member and she
110 just wanted to get an objective answer to clarify the issue. She stated she had discussed this
111 subject at various Budget Committee meetings prior to the public hearing. Chair Bock asked Mr.
112 Anderson if he had anything to say. Mr. Anderson asked that the Budget Committee provide
113 their request in writing to the BOS. Ms. Mills stated that the Attorney General's office could do
114 the review at no charge to the Town and it would be impartial. There was a brief discussion on
115 whether or not the attorney general's office would even consider a review of this matter. Chair
116 Bock asked Mr. Brown if he would like to speak on the subject. Mr. Brown stated he was on the
117 Board at the time of the original public hearing and subsequent acceptance of the emergency
118 lanes. He said he did not remember much about the public hearing. He stated that no minutes of
119 the actual public hearing have been located but there are minutes of the meeting that was held
120 immediately after the hearing. There are 3-4 lists of roads and they are all different. The Town
121 had been plowing these roads for a long time and the original list consisted of most of these
122 roads. Whether or not the actual process met the letter of the law is unknown but it was done
123 with the best intentions. He stated he does not believe that reversing this action is the proper
124 thing to do. He went on to say that we are all part of the same community and should support
125 each other. Ms. Bonser then read a portion of the BOS report from the 1995 Town Report citing
126 the process that the Board had gone through that year to create the emergency lanes. Ms. Mills
127 then said that the Town was open to being sued for spending money illegally. Discussion then
128 turned to the issue of Ms. Bonser recusing herself from the discussion since she owns one of the
129 roads being maintained as an emergency lane. Ms. Bonser stated she represents many individuals
130 in the community and would not recuse herself. Chair Bock added that he has had several
131 instances in the past when he had asked Ms. Bonser to recuse herself for various issues and she
132 has stepped down. Donna Danis, who had been asked to recuse herself from the Budget
133 Committee discussion, then explained she did not step away because she felt it was not the
134 Budget committee's place to set policy and that appeared to be what was happening as far as she
135 was concerned. She stated that she had confidence in other members of the BOS even if people
136 thought one member may be biased. She reminded everyone of Mr. Brown's statement regarding
137 the best intentions and urged people not to lose sight of that. Many audience members spoke.
138 Some of the ideas that were proposed varied from having another public hearing to doing
139 nothing and leaving things as they are. Two individuals (Hal Rafter & Gail Fensom) spoke about
140 being at the original public hearing but not remembering much about it. Mr. Mills reminded
141 people that Ms. Mills believed the only way to bring about discussion of the issue at the Budget
142 Committee meeting was to mention a number to be cut from the budget. Discussion continued
143 about legal issues that could face the Town and whether or not the process was valid originally.

144 Donna Danis stated this was a big topic to think through and the overall impact to the Town must
145 be considered. A couple people brought up implied acceptance of roads that had been
146 maintained. It was mentioned that the statute has language addressing such claims (not valid).
147 Values of property were mentioned as well as plowing all private roads. After some more
148 discussion, Chair Bock said that the Board had many things to consider and would discuss this
149 matter again at their next meeting. The staff will continue to try to locate the additional
150 documentation. The discussion on this topic ended.

151
152 The Board took a short break at 8:17PM while the majority of the audience left the meeting.
153 They reconvened at 8:21PM.

154
155 Chair Bock informed the members that the renovations to the Food Pantry are moving along. He
156 stated he would continue to be involved in the Pantry after his term is over. He asked a
157 procedural question about whom to bring an issue to if there was a problem. Mr. Brown would
158 be the initial contact.

159
160 Mr. Brown asked the BOS to accept the letter to LGC outlining access to legal services dated
161 February 14, 2011.

162 **Motion:** Anderson, second Bonser to accept the access letter to LCG dated February 14, 2011.

163 **Vote:** 3-0 in favor.

164
165 Mr. Anderson suggested that next year Mr. Colby be tasked with monitoring snow loads on
166 Town buildings. Other members thought that was a good idea.

167
168 Discussion next focused on what to do about replacing the highway garage-what size building &
169 where to put it are the first questions that need to be answered. It was general consensus that
170 wherever it is it should have a small office and bathroom facilities. Mr. Brown told the Board
171 that the Road Agent does not want to rush the project. After some general discussion, members
172 thought it would be a good idea to meet with the Road Agent to get his thoughts. Mr. Brown will
173 contact Mr. Fernald and try to set up a meeting with the BOS on Friday, February 18, 2011 at
174 8:15AM. Mr. Brown will contact the Board to confirm their meeting on Friday when he confirms
175 it with the Road Agent.

176
177 Mr. Stucker asked about the status of the Cable contract. Mr. Brown stated that another extension
178 until March 31, 2011 had been signed. The Town is waiting for Comcast to accept or reject the
179 latest proposal from the BOS. The Town has retained a local attorney with this specialty, who is
180 working with about a dozen towns in negotiations with Comcast.

181
182 At this point, the Board had concluded their business in public session. The remaining people left
183 the room at the request of the Chairman.

184 8:37 PM **Motion:** Bonser, second Anderson to enter non-public session under RSA 91A: 3 II (a).

185 **Vote:** All in favor by roll call: Bock – yea, Bonser – yea, Anderson – yea. Motion passed: 3-0.

186
187 8:55 PM **Motion:** Bonser, second Mary to come out of non-public session.

188 **Vote:** All in favor by roll call: Bock – yea, Bonser – yea, Anderson – yea. Motion passed: 3-0.

189
190 8:55 PM **Motion:** Anderson, second Bonser to keep all discussions in non-public session sealed.

191 **Vote:** 3-0 in favor.

192 Mr. Brown will make an offer of the full time position at the Recycling Center to Josh Stevens.
193

194 9:00 PM Having no further business,

195 **Motion:** Anderson, second Bonser to adjourn.

196 **Vote:** 3-0 in favor.
197

198 Respectfully Submitted,

199

200

201 Heidi Seaverns

202

203

204

205

Approved as amended at the February 28, 2011 meeting.