

Minutes
Nottingham Selectmen's Meeting
December 21, 2011

6:35 PM Chair Anderson opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, Mary Bonser (arrived at 6:47PM), and Hal Rafter.

Others: Town Administrator Charles Brown, Brad Jett from Access AV, Celia Abrams, Ed Kotowski, Chris Mills, Gail Mills, Deb Stevens, Dennis Vachon, Charlene Andersen, Cheryl Smith, Sam Demeritt, Gary St. Pierre, Michael Contarino, Kristen Lamb, Ed Viel, Stephen Soreff, Pamela Walker, Marguerite Tucker, Duane Walker, April Bacon, Mark West, Stephen Capron, Rhoda Capron, Therese Thompson, Terry Bonser, Debra Kimball, Bill Garnett, Heidi Seaverns and several other residents that did not sign in.

Brad Jett from Access AV stepped forward to address the Board. He handed out information on upgrading the broadcasting capabilities of the Town. He explained that he is not a salesman, but a technician. His background includes being involved for the last 10-12 years in local access broadcasting. He has done the programming for Hampton, NH cablecasting for the last 11 years. Access AV has installed over 130 access centers and has been in the business for 30 years. Chair Anderson explained that the Town has just signed a new contract with Comcast (7 years). The Town has also established a special revenue fund to fund upgrades & support to the Nottingham system. Half of the yearly franchise fees go into this fund yearly. There is also a second channel that will be created for public access within the next 8-9 months. At this time, any school broadcast overrides the Town broadcast. It is unknown if this will happen with the new system. Mr. Jett then reviewed with the Board his proposal for a digital server which would operate the 2 channels. This system has the capability to capture, hold and playback meetings (if option was purchased). Ms. Bonser asked about the playback option. Mr. Jett responded that there is a fee for video on demand of \$3000 per year. If the video on demand is not available, the automated character generator would kick in unless there was a meeting being broadcast. He went on to explain that it is a drag & drop system and that he would suggest that anything submitted to be put on the bulletin board be in Power Point format. This makes posting items easier for the administrator of the system. The system has a 5 year warranty and also includes software upgrades. The second part of his proposal involves an upgrade of the meeting space. This ideally would have multiple cameras, run by community volunteers and multiple microphones. Members asked if this could be done with the 1 mounted camera and an upgrade of the audio system. Mr. Jett commented that the current camera was mounted in a serviceable location and this would work. The microphones would most likely be the gooseneck type, which allow people to get closer to the mike. The mixers for the microphones would be located in the Town Office. Mr. Jett went on to say that audio is the biggest challenge in all towns. Hampton has gone to microphones that the individual Board members attach to their shirt and there are sometimes still audio issues. Mr. Mills stepped forward and complained about the audio of a recent Budget Committee meeting that had been broadcast. He stated that the audience members should have a wireless microphone to use. Mr. Jett reminded everyone that the wireless microphone was only as good as the person using it. They are commonly held to close or to far away from the person speaking to be effective. Mr. Rafter asked how complicated it would be to prepare for a broadcast, now it just takes a couple of switches. Mr. Jett said there would be several simple steps involved with the server. Mr. Jett asked the members to review the information provided to

50 them and contact him with any questions. He thanked the members for their time and left the
51 meeting at 7:12PM.
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54 Next item on the agenda was the public hearing to discuss acquisition of 2 properties- Map 19
55 Lot 1 & Map 20 Lot 2. Cheryl Smith, Celia Abrams, Sam Demeritt and Deb Stevens joined the
56 Selectmen at the head table. Chair Anderson opened the public hearing at 7:13PM. Ms. Smith
57 then stated that this public hearing was under the jurisdiction of the Conservation Commission
58 and they would be the ones to run it. Sam Demeritt opened the public hearing. He stated that the
59 public hearing was being held to discuss the acquisition of two properties in Town, both having
60 easements under the federal Wetlands Reserve Program (WRP). He went on to explain that these
61 2 properties have a combined total of 1 ¼ miles of river frontage. The Merriam/Daggett piece
62 (Map19 Lot 1) is 46.41 acres, and abuts the Town Landfill/Recycling Center site. The
63 Conservation Commission wants to purchase this land outright for \$ 38,866. The other parcel is
64 the Tasker Family parcel (Map 20 Lot 2). This is a 47.01 acre parcel of land, which is mostly
65 wetland. It also abuts the Town Landfill /Recycling Center site. The Conservation Commission
66 wants to purchase this land outright for \$ 11,750. Money for both purchases would come from
67 the Conservation Fund. The main reason for the outright purchase of these two parcels is to
68 insure public access. If these parcels were to sell to other individuals, they could post the land,
69 preventing access. Ms. Abrams pointed out the parcel locations on the map the Commission had
70 brought to the meeting. Members of the Conservation Commission then introduced themselves
71 to the audience. Ms. Smith stated that there were invasive species of plants on 1 if not both of the
72 parcels, but a remediation plan had been developed. Money is available from NRCS (grant that
73 needs to be applied for) to perform the work outlined in the remediation plan. The Tasker
74 property is part of the largest wetland area in Town. The Conservation Commission feels it is
75 important to protect the wetlands and the aquifer. Ms. Bonser stated that she is concerned about
76 the federal easement and the liabilities attached to it if the Town purchases the parcel outright.
77 She then started to read the Easement Deed for the Tasker property, substituting the Town Of
78 Nottingham in place of the Taskers as owners. There is a reference to Exhibit B in the deed but it
79 was not recorded. Ms. Smith stated that this Exhibit is used in the case of a landlocked parcel,
80 which this is not. Discussion between Ms. Bonser and Ms. Smith continued. Ms. Abrams read an
81 email from Brooke Smart (NRCS) indicating that Exhibit B was not part of these deeds since the
82 parcels have frontage on public roads. There is no Exhibit C in the deeds since no mining of gas
83 or oil can take place on either parcel. Ms. Bonser then began reading the easement again. There
84 were refernces to permanent structures in the deed. Ms. Smith stated that the easement prevents
85 permanent structures such as tree stands & duck blinds, but temporary ones can be put up with
86 approval from NRCS. A discussion followed about timber harvesting, which is mentioned in the
87 deed as a restricted use. Ms. Smith clarified that timber harvesting can be done once a
88 Compatible Use Agreement has been submitted and approved by NRCS. This ensures that timber
89 harvest will be done using best practices. Ms. Abrams stated that the Merriam Daggett piece of
90 land has uplands while the Tasker piece is predominately wetlands. Ms. Bonser asked about the
91 restriction listed in the deed in regard to landfills. She stated that she believes that this would
92 prohibit the operation of the Town Recycling Center/Landfill. Ms. Abrams then read an email
93 from Sue Knight (NRCS) addressing this question. The email states that the deed restrictions
94 only apply to the land in the easement area. Since the Recycling Center is not within the
95 easement area, it has no bearing on the two parcels. NRCS conducted a hazardous materials
96 records search before closing on the easements and no adverse impacts on the parcels themselves
97 or adjacent parcels were identified. The WRP was authorized by Congress through the 1985
98 Farm Bill, which is referenced as 16 USC 3837 in the easement deeds. Ms. Bonser requested that

the Town Attorney review this issue regarding potential impact to the Recycling Center operation before any decision is made since it had come to light after the BOS had spoken with him regarding the easements. Dennis Vachon, representing the landowners, then asked if any other members of the audience were going to be allowed to speak. Mr. Bonser pointed out that Mr. Vachon was not a resident of Nottingham. Ms. Smith stated that both the Conservation Commission and the Board of Selectmen had done their due diligence in regard to any liability issues with these properties. She stated that the Town Attorney had said there was no liability for the Town and that the deed was standard language for easements. Mr. Demeritt qualified the statement about the Town Attorney noting that the Conservation Commission had seen nothing in writing from the attorney. The majority of the people in attendance spoke in favor of the acquisition of the 2 properties citing protecting the wetlands & water quality as well as insuring public access to the parcels. Mark West, who developed the remediation plan, clarified the fact that there maybe 6 shrubs of invasive species on the Merriam Daggett property and maybe a dozen or so on the Tasker property. He wanted to verify the fact that it was not an extensive infestation. He also agreed the Town should acquire these properties. The people that spoke out against the acquisition of the properties cited the liabilities for the Town that they believe exist and the fact that these lands were already protected by the easements. Both Chair Anderson & Mr. Rafter spoke in favor of the acquisitions. Ms. Abrams spoke to the issue that all landowners involved were elderly and wanted their land (or portion of it) protected. She outlined the long process the Conservation Commission had gone through with these landowners to secure these parcels. Mr. Demeritt asked if there were any more questions or comments. Since there were none, he closed the public hearing at 8:29PM. Ms. Stevens asked when the BOS would be making a decision on the acquisitions. Ms. Smith requested the BOS make a conditional approval. Chair Anderson indicated that the Board should be able to make a decision at their next meeting on January 3, 2012 (pending response from Town Attorney about Recycling Center). At this point, members of the Conservation Commission and Mr. Vachon left the meeting.

8:35 PM The next appointment on the agenda was a discussion of an Emergency Lane Designation Request from several taxpayers on Dolloff Dam Road. Steve Soreff and Gary St. Pierre stepped forward to address the Board. Mr. St. Pierre stated the owners of 32, 34 & 36 Dolloff Dam Road are requesting that the Town maintain & plow this section of Dolloff Dam Road. It is a private way but they believe it meets the criteria as outlined in the board's Policy on Declaration of Class VI Highways and Private Ways as Emergency Lanes that was adopted in August of 2011. They believe the way meets the criteria as follows: The way provides access to Dolloff Dam, which is essential for Pawtuckaway Lake. It provides access to a heavily forested area in case of a forest fire and also provides access to the lake for water rescues. The way itself is 16 feet wide with a small portion being only 14 feet wide. The owners are prepared to erect the required signage, there are numerous places to turn around and no initial upgrades to the road are needed. There are 3 residences on this portion of the road and 1 undeveloped parcel. Ms. Bonser asked how many year round residences there were. It was stated that 2 of the 3 residences are year round. Mr. Soreff referenced a letter received from NH DES Dam Bureau stating the fact that they need access to the Dam. This section is about 1/10 of a mile long and up until now has been plowed by a private entity. Pamela Walker stated that the highway trucks have been in to her property in the past and were able to turn around with no problems. Chair Anderson thanked Mr. Soreff & Mr. St. Pierre for the information and they in turn thanked the Board for the opportunity to present their information. Chair Anderson then outlined what the next step would be in the process. The Board will request a report from the Road Agent as well as Fire & Police Chiefs in regard to the acceptability of the road. The Board would also like to speak with someone at DES in regard to the Dolloff Dam Access issue. Assuming this information can be

148 compiled before their next meeting, the Board would then decide on whether or not to hold a
149 public hearing for Emergency Lane Designation. The residents thanked the Board and left the
150 meeting at 8:47PM.
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152 Members reviewed bills & the correspondence file.
153 Mr. Brown asked the members if they wanted to pursue the ZBA decision that had been
154 appealed. The motion for reconsideration was denied so the remaining appeal would be to the
155 NH Supreme Court. Attorney Donovan feels that the Supreme Court would remand the decision
156 back to Superior Court and in all likelihood; the same judge would preside over it. After a brief
157 discussion,
158 **Motion:** Rafter, second Bonser not to proceed any further with the ZBA appeal.
159 **Vote:** 3-0 in favor.
160 Mr. Brown informed the members that he had had a request from a taxpayer inquiring about the
161 amount of money spent on the appeal. He had emailed the taxpayer today reporting the total
162 amount spent was \$13,213.
163
164 Members next addressed the signature file.
165 Ms. Seaverns then asked the members if they had reviewed the information she had provided to
166 them in regard to the assessing contract. She explained that the Board of Assessors (BOA) had
167 reviewed the proposal and voted to recommend the BOS sign the 4 year contract. Ms. Seaverns
168 stated there was a fiscal funding clause in the contract so it did not need to be a warrant article.
169 She spoke to the level funding for the 4 years and the consistency with 1 assessing firm. The
170 contract for the Town wide update (scheduled in 2015) would be a separate one. Ms. Bonser
171 reminded the other members that they were proposing a Capital Reserve Fund be established this
172 year for Revaluations, which will spread out the impact of future revaluations, if passed. Since
173 Ms. Bonser & Mr. Rafter had not reviewed the material provided, they will act on this item at a
174 future meeting.
175 Members initialed 2 salary histories. Mr. Brown reported to the members that Anthony
176 McKnight has graduated the Police Academy.
177 Next item to be discussed were the Deed Waivers. Mr. Brown reminded the members that
178 historically the Town has not deeded properties that are occupied (liability or responsibility). Mr.
179 Garnett explained that there are two properties with notification issues-Map 23 Lot 7 and Map 1
180 Lot 116. He will re-notify these owners to be sure there are no problems if it comes down to tax
181 deeding the properties. He told the Board that he has received several calls over the last day or
182 two inquiring about the status of payment for Map 23 Lot 7. He believes that this obligation will
183 be paid by either the owner or primary lien holder tomorrow. Mr. Brown has prepared deed
184 waivers for the following properties:
185 **Motion:** Bonser, second Rafter to sign the deed waiver for Map 6 Lot 4.
186 **Vote:** 3-0 in favor.
187 **Motion:** Rafter, second Anderson to sign the deed waiver for Map 23 Lot 2-18.
188 **Vote:** 2-0-1 (Bonser recused) in favor.
189 **Motion:** Bonser, second Rafter to sign the deed waiver for Map 13 Lot 10D.
190 **Vote:** 3-0 in favor.
191 **Motion:** Rafter, second Bonser to sign the deed waiver for Map 18 Lot 8.
192 **Vote:** 3-0 in favor.
193 **Motion:** Rafter, second Bonser to sign the deed waiver for Map 61 Lot 13.
194 **Vote:** 3-0 in favor.
195 **Motion:** Bonser, second Rafter to sign the deed waiver for Map 1 Lot 179.
196 **Vote:** 3-0 in favor.

Motion: Rafter, second Bonser to sign the deed waiver for Map 13 Lot 12.

Vote: 3-0 in favor.

Mr. Brown had given a copy of the request from Don Cinfo to increase some of the fees at the Recycling Center. There will need to be a public hearing scheduled for these increases. The Bookkeeper has requested that the Board meet on December 29th or 30th for encumbrances. Members discussed and decided on December 29th at 6:30PM.

Ms. Seaverns informed the members about RSA 674:39-aa. This new law allows lots that have previously been combined to be unmerged upon written request of the owner. There are several conditions that must be met and they are spelled out in the statute itself. What is unclear is who acts on these requests. The statute references the governing body however in Nottingham there is a Board of Assessors (BOA) that deals with those matters. Ms. Seaverns, on behalf of the BOA, wanted to know how the BOS wants to handle these requests. After some discussion, members decided that the BOA should act on the requests and just keep BOS informed as to their decisions.

The members want to wait to act on most of the outstanding minutes until Ms. Chauvey is present.

Motion: Rafter, second Bonser to approve the minutes of November 28, 2011 as amended as follows:

Line 28-change co-pays on prescriptions run \$10/\$40/\$70 to existing co-pay on prescriptions \$10/\$20/\$45

Line 28 & 29-remove with mail-in running \$10/\$40/\$70 and replace with optional mail in plan \$10/\$40/\$70.

Line 29-replace 12% with 12.5%

Vote: 3-0 in favor.

Mr. Rafter reported on the most recent Budget Committee meeting. He stated that the Committee has requested that a study of surrounding towns be done to compare staffing. Mr. Brown stated that this type of study is a waste of time since no 2 towns are identical in their hours or staffing. It is not a reasonable comparison. Mr. Rafter told the members that the Committee feels the job description for the new full time employee is the same as the part time position. There was some discussion as to whether or not Mr. Brown will pursue this additional position. He reported that he will make his decision after meeting with the existing staff after the first of the year. Mr. Rafter also raised the question about paying the \$10,000 for the Lee property out of the Conservation Fund. Mr. Brown does not believe that is an option but will check into it. Ms. Seaverns suggested wording the article to use funds from the unreserved fund balance rather than from taxation.

9:45 PM **Motion:** Bonser, second Rafter to enter non-public under RSA 91-A: 3 II (c).

Vote: Anderson – yea, Bonser – yea, Rafter – yea. Passed by roll call: 3-0

9:59 PM **Motion:** Bonser, second Rafter to exit non-public.

Vote: Rafter – yea, Anderson – yea, Bonser – yea. Passed by roll call: 3-0

Motion: Bonser, second Rafter to seal the minutes of the non-public session.

Vote: 3-0 in favor.

The Board voted to accept a payment plan agreement with a taxpayer.

246 10:00 PM **Motion:** Bonser, second Rafter to enter non-public under RSA 91-A: 3 II (a).
247 **Vote:** Anderson – yea, Bonser – yea, Rafter – yea. Passed by roll call: 3-0
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249 10:10 PM **Motion:** Bonser, second Rafter to exit non-public.
250 **Vote:** Rafter – yea, Anderson – yea, Bonser – yea. Passed by roll call: 3-0
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252 **Motion:** Bonser, second Rafter to seal the minutes of the non-public session.
253 **Vote:** 3-0 in favor.
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256 Having no further business,
257 10:12 PM **Motion:** Rafter, second Bonser to adjourn.
258 **Vote:** 3-0 in favor.
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260 Respectfully Submitted,
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264 Heidi Seaverns
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268 **Approved as amended at the January 3, 3012 meeting.**