

**TOWN OF NOTTINGHAM
Selectmen's Meeting
January 3, 2012**

6:32 PM, Chair Anderson asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, Mary Bonser, Hal Rafter

Members Absent:

Guest:

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Heidi Seaverns; Chris Mills; Gail Mills; Sam Demeritt, Celia Abrams, Cheryl Smith, Deb Fernald Stevens, Conservation Commission members; Steven Soreff; Gary ???;

MINUTES

NOVEMBER 21, 2011 (Meeting)

Motion: Bonser, second Rafter to approve the minutes of the November 7, 2011 meeting, as amended.

Line 21: Add *scheduling*

Line 34: Change *them* to *the invasive species*

Line 89: Change *is* to *has*

Line 115: Add *and replacement of carpet*

Line 186: Change *know* to *known*

Line 226: Change *clean* to *a summary*

Discussion: Chair Anderson reported he had mistakenly identified the piece of equipment requested by the Recycling Center staff. They are looking for an additional baler, which can be dedicated to plastics.

Vote: All in favor. Motion passed: 3-0

NOVEMBER 21, 2011 (Non Public)

Motion: Bonser, second Rafter to approve the minutes of the November 21, 2011 non public session as written.

Vote: All in favor. Motion passed: 3-0

DECEMBER 5, 2011 (Meeting)

Motion: Bonser, second Rafter to approve the minutes of the December 5, 2011 meeting as amended.

Line 201: Replace *a cost of approximately \$65,000 plus insurance; \$40,000 salary, \$9,000 retirement, and \$15,000 FICA* to *a cost of approximately \$48,920; \$29,992 salary, \$12,014 insurance, and \$6,865 retirement system.*

Line 205: Change *coving* to *covering*

Line 207: Change *o f* to *of*

Line 218: Add *in*

Line 220: Clarity that Catholic Medical Center was an example

Line 246: Change *\$55,000* to *\$41,600*

Discussion: Ms. Bonser asked about an update on USA Springs. Mr. Brown reported Malom filed a motion for extension until the end of January. They have been granted an extension to early January. There was also discussion around Chief Vilchuck's visit. Ms. Bonser pointed out the conceptual approval by the Planning Board was inaccurately called a conditional

approval at points during the meeting and Mr. Brown noted that the fire marshall's comments to Mr. Fernald were out of context.

Vote: All in favor. Motion passed: 3-0

DECEMBER 21, 2011 (Meeting)

Motion: Rafter, second Bonser to approve the minutes of the December 21, 2011 meeting as amended.

Line 99: Add *regarding potential impact to*

Discussion: Chair Anderson noted he had not had time to review the material left by Mr. Jett of Access A/V, adding he was impressed with Mr. Jett's presentation. He wants to be sure this topic stays up front. Chair Anderson informed the public the bulletin board is currently not working. This is being looked into.

Vote: All in favor. Motion passed: 3-0

DECEMBER 29, 2011 (Workshop)

Motion: Rafter, second Bonser to approve the minutes of the December 29, 2011 workshop as written.

Vote: All in favor. Motion passed: 3-0

There were no department reports.

APPOINTMENTS - None

GENERAL BUSINESS

Ms. Bonser inquired about the motions from Save Our Groundwater (SOG) and Roswell Bank in relation to the USA Springs bankruptcy case. Mr. Brown, again, noted he received a 40+ page motion from Malom to extend. The SOG motion has been tabled and the Roswell motion was supposed to be addressed behind closed doors after the last hearing. He has not heard anything on it. There will be a hearing for the expedited motion on January 26.

Mr. Brown informed the selectmen he received nine bids for the bridge going into the pit. Six or seven of the nine companies contacted Mr. Brown and took a site visit prior to submitting bids. The bids range from \$23,490 to \$61,738. Farwell Engineering and CMA are the two lowest bidders. At Mr. Rafter's inquiry, Mr. Brown noted the bids are for engineering, design and permitting of the bridge, which is planned for 2012. Mr. Brown will review them, again, check references and such and bring a recommendation on January 17th.

The selectmen signed bank signature cards for the cable account created from last year's warrant article.

Chair Anderson addressed the contract for assessing services from Avitar. Ms. Bonser indicated she has issues with a four year contract. She is still unsettled with past events involving Avitar and Pawtuckaway Lake. There was a brief discussion around the price setting for the four year contract versus the one year contract. At Mr. Rafter's inquiry, Ms. Seaverns indicated a longer

term contract could be looked at next year, if the selectmen decided to go with a one-year contract this year and things worked out. It was noted that the prices would change.

Motion: Bonser, second Rafter to sign the one-year assessing and data verification contract with Avitar.

Vote: All in favor. Motion passed: 3-0

Chair Anderson acknowledged Town Moderator Brian Stucker. Mr. Stucker took a seat at the selectmen's table. He informed all that elections are next Tuesday, January 10, 2012. Polls will be open 8:00 AM – 7:00 PM. Conference Room #2 has been reserved for testing of the machine and a training session tomorrow evening. Mr. Stucker indicated he would need four people present for the testing; two operators and two witnesses. Mr. Bonser has offered his assistance. Mr. Stucker encouraged the selectmen to attend, if they have never seen it before. He talked about the training sessions provided by the state, noting he would be attending the one in Rochester. He has attended this one in the past; it is well attended with standing room only.

Ballots have been ordered and Mr. Stucker believes there will be enough.

Mr. Stucker informed the selectmen he had received and approved a request from a group out of Portland Maine to attend the election and poll voters. They will be doing this outside of the building. This group presented information to the Secretary of State who determined they are not electioneering, simply conducting a poll on what people believe are the important issues. They are supposed to seek out Mr. Stucker when they arrive.

Mr. Stucker informed the selectmen he has not considered searching out a food provider. He feels food creates a social atmosphere and he is hoping to keep people moving along.

Mr. Stucker talked about voter turnout projections, testing of the ballot machine, election day coverage and checking the connectivity of the new phone line. Plans are to set up Monday afternoon and tear down Tuesday night. Everyone covering shifts at the close of the polls must stay until the ballots are counted. Mr. Stucker noted this could mean staying until 8:00 PM or 2:00 AM; there is no way to know. At Mr. Rafter's inquiry, Mr. Stucker requested those covering the morning to arrive by 7:30 AM. At Ms. Bonser's inquiry, Mr. Stucker indicated he is one ballot clerk short for the evening. Ms. Bonser volunteered to cover.

There were thanks all around. Mr. Stucker stepped down and left the meeting.

Chair Anderson suggested setting election day coverage. Chair Anderson will cover 7:30 – Noon, Mr. Rafter will cover Noon – 4:00, and Ms. Bonser will cover from 4:00 PM on.

Chair Anderson moved the conversation back to the Avitar assessing contract. There was a brief discussion around the proposals. Ms. Bonser confirmed her motion was for assessing and data verification for one year.

LAND PURCHASE

Chair Anderson noted the selectmen have received a written response from Attorney Teague in regards to concerns with the Conservation Commission's purchase of two properties (Tasker and Merriam-Dagget) currently under WRP easements.

Motion: Rafter, second Bonser to make public the written opinion from Attorney Teague.

Vote: All in favor. Motion passed: 3-0

Ms. Bonser informed all that although Attorney Teague's letter refers to the Daggett property, the two properties in question abut and are under identical easements. She believes the opinion would be the same for both properties. Chair Anderson proceeded to read the letter from Attorney Teague.

Point of Order: Mr. Brown left the meeting at approximately 7:35 for approximately 2 minutes to make copies of Attorney Teague's opinion letter.

Ms. Bonser feels the letter mirrors the conversation the selectmen had with Attorney Teague. She sees no compelling reason to purchase this property as it is already protected under federal easement. Ms. Abrams and Ms. Smith inquired about whether an e-mail from NCRS had been forwarded to Attorney Teague. Ms. Smith raised the issue of the request from the Nottingham Conservation Commission to be copied on the inquiry to Attorney Teague. Ms. Bonser indicated the e-mail had not gone to the attorney. She felt that with timing through the holidays they were fortunate to get a quick response. There was more discussion around the e-mail and the request for it to be forwarded to Attorney Teague. Ms. Bonser indicated she was willing to forward the e-mail now if the commission was willing to wait for an answer.

Mr. Rafter addressed the opinion from Attorney Teague and indicated he felt that the concerns that had been raised with the attorney had been addressed. Going through Attorney Teague's opinion, he noted the opinion indicates the Town will have responsibilities towards the properties. Mr. Rafter feels this is a given and we are aware of this. He reiterated Attorney Teague's opinion there is nothing in the easement that requires the Town to do something it is unable to do. Mr. Rafter addressed the reporting requirements, acknowledging he believes the town would do it's best to handle things appropriately, but, also, noted there is no penalty should something fail, inadvertently, to be reported. He does not see citizen complaints as a concern. He noted Attorney Teague had, also, indicated there may be an issue with the recycling center, at some point down the road, indicating he felt the recycling center was already affected by the easements. There was discussion around land ownership and wording within the easement. The clarification was made that if the person owning the property with the easement owns abutting property, the abutting property becomes affected by the easement. Mr. Rafter feels purchase of these properties would be a benefit to the town. Ms. Bonser feels there is enough open land and this 80 acres is not worth the liability.

Motion: Bonser to not purchase the Tasker and Merriam-Daggett properties.

Ms. Bonser then asked the commission members if they wanted to proceed with forwarding the e-mail from NCRS to Attorney Teague. Chair Anderson is interested to know if the e-mail would change any of Attorney Teague's opinion. Mr. Rafter indicated he felt the e-mail from NCRS would only make Attorney Teague's opinion more favorable. He acknowledged the selectmen have received two opinions, one verbal and one written, and voiced concern at spending any more money on opinions. Chair Anderson and Ms. Bonser concurred. There was more discussion around obtaining further opinions and the acknowledgement that they are just that - opinions. There was discussion around Ms. Bonser withdrawing her motion. She noted there was no second.

Motion: Rafter, second Anderson to approve the purchase of the Tasker and Merriam-Daggett properties.

Discussion: Mr. Rafter thanked the Commission members for their work. He feels there is no significant liability with the purchase and further feels that the insulation this purchase would provide in relation to the recycling center would benefit the town. Chair Anderson also commended the Conservation Commission for their work. He acknowledged he is confident of the Commissions determination to maintain this property, as this time, but voiced concern for the future; ebb and flow. Mr. Demeritt noted the commission members are appointed by the selectmen. Ms. Abrams informed Chair Anderson that should the properties ever become a problem, they can be sold by the town. Ms. Bonser feels no one would purchase them. Mr. Brown inquired about stewardship funds. Ms. Smith and Ms. Abrams explained the easement holder, NRCS in this case, is the monitoring entity and is responsible for the funds. Referring to and reading from past minutes, Chair Anderson inquired to the Conservation Commission about grant funding. Ms. Smith explained that the funding for the remediation comes from NRCS. Should the town, at some point down the road, decide to remediate other issues, grant funding may be applied for to cover further remediation. Ms. Bonser noted she has worked closely with the Conservation Commission in the past to preserve large tracts of land and hopes to again in the future. She does not believe this is a good use of the money.

Vote: Anderson and Rafter in favor. Bonser opposed. Motion passed: 2-1

Mr. Brown inquired about back taxes on the property. Mr. Vachon informed him they would be paid at closing. Ms. Bonser inquired about closing costs.

Motion: Bonser, second Rafter to expend funds from the Nottingham Conservation Fund to pay attorney's fees and closing costs.

Discussion: Mr. Vachon informed the selectmen they could hire a title company or other professional who does closings for a set fee instead of an hourly attorney rate. He suggested Phil Rader.

Vote: All in favor. Motion passed: 3-0

Mr. Vachon provided the selectmen with original copies of the Purchase and Sales Agreements for signature. There was discussion around whether they should change the effective date as 30 days from date of approval (this evening) may not be realistic in Mr. Vachon's opinion. They decided to leave it as is. Chair Anderson and Mr. Rafter signed the documents. Mr. Brown left for approximately 2 minutes to go make copies.

There were thanks all around. The Nottingham Conservation Commission members left the meeting.

EMERGENCY LANE DESIGNATION REQUEST

Mr. Brown reported he had been down to Dolloff Dam Road both alone and with the road agent. He reported there is a washout at the beginning of this portion of road where Lamprey Drive breaks off, there is a big rock on the right hand side of the first hill and the road has a narrow spot here. Further up you turn to the right and there is a sharp incline which is rough at the top. This is where the dam is and Mr. Brown feels if approval was granted there would be no reason to go beyond this point. As for the rest of the road, there are ledge outcroppings and nowhere for town equipment to turn around. The road is very narrow in spot.

Mr. Brown read a report from John Fernald, Nottingham Road Agent. Mr. Fernald feels the road is in need of upgrade before town equipment would be able to plow. He indicated a culvert needs to be installed where Lamprey Drive breaks off to the right, the road is in need of much fill, and there are steep inclines and ledge outcroppings. He believes this section of road would damage town equipment. Mr. Brown acknowledged turnarounds indicated by Mr. Soreff but believes these would be ineffective. Mr. Fernald does not support designating this section of Dolloff Dam Road as an emergency lane.

Nottingham Chief of Police Gunnar Foss reported to Mr. Brown that the road is in bad condition, it is posted at the section that is under consideration, and he characterizes anything beyond the dam as a driveway. Chief Foss does not support designating this section of Dolloff Dam Road as an emergency lane.

Mr. Brown received a report from Fire Chief Jay Vilchuck earlier this day, also. Chief Vilchuck feels this section of the road is too narrow, too steep, too rough, and has a wash out problem at the beginning. Ms. Bonser asked if Chief Vilchuck had indicated this would be a good location to access the lake for rescues. Mr. Brown indicated the chief had reported this is not a favorable place, especially this time of year. Chief Vilchuck does not support designating this section of Dolloff Dam Road as an emergency lane.

Chair Anderson addressed the policy and, based on the above testimony, listed the critical deficiencies of this section of road as:

1. Does not provide safe access for emergency personnel and equipment.
2. Although no one took measurements, it seems as though there are several areas that go below the required 16'.
3. There are no unobstructed turnaround areas for emergency equipment.
4. The road requires upgrading in order to be in plowable condition.

Ms. Bonser did a site visit and concurs with Mr. Brown's assessment. Referring to a letter from the Dam Bureau, Ms. Bonser noted the tone was set to indicate the state would like us to plow and maintain access to the dam but does not require or request that we do.

Motion: Rafter, second Bonser to not proceed further, based on the policy, with the request for emergency lane designation for this section of Dolloff Dam Road.

Discussion: Ms. Bonser requested a caveat for reconsideration should the road be brought up to meet conditions. Mr. Rafter felt that fell within the policy itself.

Vote: All in favor. Motion passed: 3-0

There were thanks all around. All public left the meeting.

OTHER BUSINESS

Referring to an e-mail from the budget committee containing questions regarding the new position, Mr. Rafter asked if Mr. Brown would have responses by Thursday's meeting. Mr. Brown informed Mr. Rafter that he had some answers; however, he wanted to address something with the selectmen prior to submitting. At Mr. Brown's inquiry, Mr. Rafter instructed him to

send his responses to Donna Danis for dissemination. Mr. Brown informed the selectmen he wished to withdraw his request for a full time position. He stated he was going to initiate new staff expectations and duties and find more efficiency in executing tasks. He feels there is a lot of bad talk going on around this position and it should not be a controversy. Chair Anderson indicated he had not kept up with this subject. Ms. Bonser informed him there were some bad e-mails; Mr. Brown is being attacked. Mr. Brown stated he and the staff will continue to do what is necessary and prioritize requests as they come in. Ms. Chauvey inquired as to whether he was withdrawing the entire request and asked him to consider requesting a recording secretary for the selectmen. Mr. Brown offered to discuss it later. Ms. Bonser feels they need to do what is best for the town. She wants this to take its course and asked Mr. Brown to try to step back from it. She feels strongly that this position is needed, that more and more of Mr. Brown's time is consumed by unnecessary duties. She wants to see it through the budget committee and town meeting.

Mr. Rafter indicated the position needs clarification, noting one of the questions from the budget committee had been about grant writing responsibilities. He relayed that the committee was under the impression, from the verbal presentation, that this would be a responsibility of the new position; however, it was not listed in the description attached to the budget narrative.

Point of Order: Ms. Chauvey left the room for approximately 30 seconds. Minutes pick up again upon her return.

Mr. Brown informed the selectmen the job duties were the same as Ms. Chauvey's, noting that how they got divvied up would be another issue.

Point of Order: Ms. Chauvey informed the selectmen and the town administrator that she needed to leave. She requested to speak with Mr. Brown in the hall. Mr. Brown and Ms. Chauvey left the room for approximately 15 seconds. Minutes pick up upon their return.

Mr. Brown informed the selectmen he would make an effort to get a job description out. Ms. Bonser is looking for someone with the ability to take on some of Mr. Brown's responsibilities. She believe a job description will depend upon the individual and their municipal experience. Chair Anderson concurred. Mr. Rafter disagreed. He strongly feels a job description needs to be in place to establish duties and responsibilities prior to hiring. Ms. Bonser agreed there would be a base job description but depending on the person's experience, the job could expand. There was discussion around levels and steps within the office. In the past, the positions have simply been individual positions (i.e., bookkeeper, assessing clerk, secretary, etc) and there has not been a needs for levels or steps. Chair Anderson suggested they approach the issue by looking at Mr. Brown's job description to see what responsibilities need to be delegated in order for Mr. Brown to be available for other responsibilities. Ms. Bonser concurred, noting the increased demand on Mr. Brown's time. Mr. Rafter feels Mr. Brown will need to be specific about how those demand have changed over the past five years. Ms. Bonser noted the town office has run on the same staff, with the exception of the addition of Ms. Chauvey's position in 2008, through tremendous population growth and governmental demands. There was discussion around whether or not it is the budget committee's duty to decide what goes into a job description. Mr. Rafter stated they are looking for clarification to determine whether they should support this position. Mr. Rafter

discouraged Mr. Brown from withdrawing the request as it was supported by a vote of the selectmen. There was more discussion around getting a job description together before final review of the town budget on January 19th. Mr. Rafter supplied the following pertinent budget committee dates: January 12th – School Budget Public Hearing, January 19th – final review of the town budget, January 26th is currently open for outstanding issues, and February 9th – Town Budget Public Hearing.

Mr. Rafter informed the selectmen that the redistricting plan that is up for approval does not follow the 2008 Constitutional Amendment, which states that all municipalities above a certain population (3,300 he thought) would have a representative. The redistricting plan has lumped Nottingham, Candia, and Deerfield. He requested the selectmen send a letter to the State Reps. and Senator to oppose the bill when it comes up. There was a brief discussion around timing. Ms. Bonser will contact Senator Groen and Representative Reagan and ask them to either attend the next meeting or send a written statement about what is going on.

Chair Anderson addressed an e-mail he received regarding a Regional Selectmen's Meeting in Chester on February 16. The selectmen have not had time to review this. It will be addressed at the next meeting.

Having no further business,

Motion: Rafter, second Bonser to adjourn the meeting.

Vote: All in favor. Motion passed 3-0

Meeting adjourned at 9:03 PM.

Respectfully submitted,

Traci Chauvey
Recording Secretary

Approved as amended
1/30/12