

TOWN OF NOTTINGHAM
Selectmen's Meeting
Public Hearing
February 21, 2012

7:00 PM, Chair Anderson asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, Mary Bonser,

Members Absent: Hal Rafter

Guest:

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Brian Stucker; Terry Bonser; Karen Davidson; Gail Mills; Chris Mills; Tom Sweeney; Judy Dougherty; Mark Carpenter; Chet Batchelder

Mr. Brown informed all Mr. Rafter had called earlier to say he would not be attending this hearing, as he is ill.

PETITION FOR ADOPTION OF PROVISION OF RSA 40:13 (SB2)

7:02 PM, Chair Anderson opened the Public Hearing and asked Ms. Davidson, petitioner of the warrant, to speak. Ms. Davidson read Article 6, regarding adoption of RSA 40:13 (SB2), of the Town Warrant. She supported her petition with statistics and data from the NH Center for Public Policy Studies, the US Census, and surrounding towns. She feels people do not have time to attend Town Meeting any more, and that Town Meeting is no longer one of the purest forms of democracy. She noted there are more people who come to vote and feels that having everything on the ballot would be a better representation of the residents.

Acknowledged by Chair Anderson, Mr. Mills informed all that there was a mistake in the hearing notice and that this item does not warrant a public hearing. After discussion by the selectmen and Mr. Brown, it was determined that this article does require a public hearing, however, the petition to increase the Board of Selectmen to five members does not require a public hearing. Chair Anderson opened the meeting to public comment.

Acknowledged by Chair Anderson, Mr. Batchelder took a seat at the selectmen's table. He is not in favor of SB2. Mr. Batchelder spoke from his experience as a budget committee member. He spoke of the lack of attendance at the school deliberative session. He noted there was a larger crowd this year because the school is putting forth a warrant for an addition. He informed all that over two hours were spent on this one \$4.5 million dollar topic, while the \$10 million dollar operating budget was only discussed for about 45 minutes. He feels, when it comes time to vote, the voters are only given two choice; either vote for the budget as presented on the ballot or not. If the budget is not voted in, the entity then runs on a default budget which, by law, cannot be controlled by the town and is higher than the proposed operating budget. From a budgetary standpoint, he is opposed to SB2 and will not vote for it. There was a brief discussion between Ms. Davidson and Mr. Batchelder about requirements of the default budget. Ms. Davidson thanked Mr. Batchelder and all members of the Budget Committee for their hard work.

Chair Anderson read a paragraph from LGC's 2010 Basic Law of Budgeting explaining what comprises the default budget.

Mr. Brown indicated Fremont is in its second year of SB2 and the Town Administrator does not like it. Mr. Brown feels people are less informed.

Acknowledged by Chair Anderson, Ms. Mills took a seat at the selectmen's table. She indicated she had been on the fence but was now leaning toward SB2. She has concern over the small number of people who turn out for Town Meeting as opposed to the number of people who vote.

Ms. Bonser feels attendance for the school session has dropped off since the school became SB2. She agrees with Mr. Brown and feels people are less informed.

Mr. Bonser agreed that the default budget is annoying but feels that as more and more towns go to SB2, the problems will get resolved. He also feels that SB2 would definitely increase numbers at the polls. It would also be good for older people who cannot sit at a Town Meeting for hours on end.

Chair Anderson is partial to Town Meeting and feels that someone can walk in uniformed and be informed before they vote, where if it was just a ballot, this would not be the case.

Acknowledged by Chair Anderson, Mr. Stucker sat at the selectmen's table. He made the point that the deliberative session is weeks before going to the polls. He feels the deliberative session would be just as, if not more, informative than going to town meeting. He feels voters will be better informed because they have more time to become so. He believes SB2 has a lot of pros including the ability for people to be able to cast absentee ballots, which they cannot do at Town Meeting. He supports this petition.

Acknowledged by Chair Anderson, Mr. Mills took a seat at the selectmen's table. Mr. Mills feels the deliberative session can be recorded and rebroadcast several times over the course of the weeks until election day. He believes the people will be well informed. He is in favor of SB2.

Acknowledged by Chair Anderson, Mr. Sweeney took a seat at the selectmen's table. He is not in favor of SB2. He attends the deliberative session and town meeting. He has served as moderator and/or assistant moderator for both the school and the town. Attendance at the deliberative session is worse than town meeting. There were only 130 voters this year and that was because the school is putting forth the warrant for the addition. Ms. Davidson acknowledged Mr. Sweeney's comment and indicated she is aware of many people who were not able to attend the meeting but did watch it on television. Chair Anderson noted the importance of communication in an SB2 situation.

Ms. Bonser read a written statement. She feels there are pros and cons. She feels SB2 will allow people who are not able to attend the deliberative session to still have a vote in the outcome of things determined at the deliberative session. She is concerned with unintended consequences and wonders if the town employees will become unionized. Ms. Davidson believes she read somewhere that employees do not have to become unionized. Ms. Davidson will forward the link to the article to Ms. Bonser.

Chair Anderson feels it would be advantageous to reach out to surrounding SB2 communities to see how they feel it's working. Ms. Davidson confirmed that the town could vote to go back to traditional town meeting if they found SB2 was not working.

Receiving no more comments, Chair Anderson closed the public hearing at 7:46 PM.

PETITION TO INCREASE BOARD OF SELECTMEN TO FIVE MEMBERS

7:47 PM, Chair Anderson opened the Public Hearing and asked Ms. Davidson, petitioner of the warrant, to speak. Ms. Davidson read Article 7, in regards to increasing the Board of Selectmen to five members. She noted that Epping, Deerfield, Barrington, Candia, and Raymond have five member boards. She provided reasons towns move to a five-member board, such as availability to residents, ease in attaining a quorum, delegation of duties, keeping two members from controlling the board. She provided reasons for successful passage of the warrant, such as residents wanting to see more diversity. She indicated the five-member Board of Selectmen is working well in several towns.

Chair Anderson opened the hearing to public comment.

Acknowledged by Chair Anderson, Mr. Mills took a seat at the selectmen's table. Mr. Mills recalled a time when only two selectmen attended a meeting and there was an issue raised that caused one of the selectmen to recuse themselves. The remaining selectman carried on with the meeting. Mr. Mills feels the meeting should not have taken place and that anything beyond the point of one of them recusing themselves was illegal. He is in favor of the five-member board.

Acknowledged by Chair Anderson, Mr. Bonser sat at the selectmen's table. He informed all the RSA is written so that a meeting can continue so as prevent one official from being able to walk out on a decision he/she is not in favor of and therefore preventing any action. Once there is a quorum and the meeting is opened, it can continue. Mr. Bonser is in favor of a smaller, more efficient board.

Acknowledged by Chair Anderson, Ms. Mills took a seat at the selectmen's table. She believes a five-member board will provide more diversity. She feels life is busy and people have to work. She believes a five-member board will draw in more people to run for the position as it will alleviate the pressure to have to attend every meeting.

Acknowledged by Chair Anderson, Mr. Carpenter took a seat at the selectmen's table. He spoke from his experience as management. He feels accountability will be lost with the increase and Mr. Brown's workload would increase. He is not in favor of a five-member board.

Acknowledged by Chair Anderson, Mr. Stucker took a seat. He believes a larger board will become less efficient and productive. He agrees with Mr. Carpenter.

Getting no additional public comment, Chair Anderson invited Ms. Bonser to speak. Ms. Bonser is not in favor of a five member board. Referring to Mr. Carpenter's comment on accountability, Ms. Bonser noted that as a member of a three-person board, you are aware you have to attend the

meetings. You have to be accountable. She feels a five-member board will create work for the office and generate more expense. She is not in favor of a five-member board.

Chair Anderson noted there are already a number of committees with vacancies. He feels if people want to serve, there are plenty of places for them to do so. As Selectman, he has served on committees of all sizes and feels the larger committees move slower, are carried by a few of the members, and are less productive. He does not remember a time, in his three years as selectman, where they have not had a quorum. He believes the three-member board is efficient and accountable. He is not in favor of a five-member board.

Acknowledged by Chair Anderson, Mr. Mills feels that because of the location of Nottingham, it makes it too difficult for someone with a job to apply for the position. With a five-member board, if someone has a work conflict, they wouldn't feel pressured to come. Ms. Bonser noted that selectmen's meetings are scheduled at the convenience of the board members; they do not have to be held on Monday nights. Mr. Mills raised the issue of the other meetings the selectmen need to attend. Chair Anderson feels the one improvement of a five-member board would be coverage of the departments.

Receiving no further comment, Chair Anderson closed the Public Hearing at 8:15PM.

OTHER BUSINESS

Mr. Brown announced an Open House at the Food Pantry on Election day from Noon till 6:00PM. Everyone is invited in to see the recent changes. Thanks went out to all who helped.

Mr. Brown informed the selectmen he had a request and an appointment form to reappoint Sam Demeritt to the Conservation Commission.

Motion: Bonser, second Anderson to reappoint Sam Demeritt to the Nottingham Conservation Commission for a three year term.

Vote: All in favor. Motion passed: 2-0

Chair Anderson thanked Mr. Demeritt for his service.

Mr. Brown informed the selectmen the town office recently received a request to post a school board meeting notice on the website. He explained the school has their own website, which is linked to ours, and the notice is placed on Channel 22. After a brief discussion, the selectmen determined having the link to the school website was adequate.

NON-PUBLIC

Motion: Bonser, second Anderson to enter non-public under RSA 91-A:3 II (a)

Vote: Bonser – yea, Anderson – yea. Motion passed: 2-0

The selectmen entered non-public at 8:20PM. Ms. Chauvey was excused at this time. The following information is from the notes of Mr. Brown.

Motion: Bonser, second Anderson, to exit the non-public session.

Vote: Bonser – yea, Anderson – yea. Motion passed by roll call: 2-0

185 The selectmen exited the non-public session at 8:27 PM.

186

187 **Motion:** Bonser, second Anderson, to seal the minutes of the non-public session.

188 **Vote:** All in favor. Motion passed: 2-0.

189

190 Having no further business,

191 **Motion:** Bonser, second Anderson to adjourn the meeting.

192 **Vote:** All in favor. Motion passed 2-0

193 Meeting adjourned at 8:28 PM.

194

195 Respectfully submitted,

196

197

198

199 Traci Chauvey

200 Recording Secretary

201

202

203

204

Approved as written
3/12/12