

Minutes
Nottingham Selectmen's Meeting
March 12, 2012

6:33 PM Chair Anderson opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, and Mary Bonser.

Members Excused: Hal Rafter

Others: Jaye Vilchock, Sandy Vilchock, Grace Russell, Brian Stucker, Dave Finn, Paul Finn, Bob Rydeen, Jim Rosborough, Linda Rosborough, Gail Fensom, John Edwards, Town Administrator Charles Brown, and Heidi Seaverns.

Members reviewed bills & signed the manifests throughout the meeting.

Chair Anderson recognized Jaye Vilchock and he stepped forward to address the Board. He was in attendance this evening to discuss the letter dated March 7, 2012 that he had received from an attorney representing Rymes Heating. The letter was addressed to Chief Vilchock and threatened legal action against him for his alleged actions against Rymes Heating. He went on to say that he had spoken to Chief Vilchock earlier in the day about this issue. Chief Vilchock had forwarded the letter via email to the Fire Marshall's Office as well as the Planning Board Chairman. It was asked that going forward, any correspondence like this should be forwarded to the BOS and the Town Administrator as soon as it is received. The Planning Board had received a similar letter on February 17 from an individual at Rymes as well. Mr. Brown informed the Board that he had forwarded both letters and a short narrative to LGC to make them aware of the potential claim against the Town. Both selectmen stated that they supported Chief Vilchock in the performance of his duties. The Fire Marshall's office confirmed that Chief Vilchock has jurisdiction over these matters. Chief Vilchock explained that this process takes a long time and he is going by regulations that are in place (NFPA). The personal tone of the letter is bothersome to all that have read it. After some discussion, it was decided that Mr. Brown will forward the letter to the Town Attorney for his recommendations. Chief Vilchock thanked the Board for their time. At this time (6:43pm) Chief Vilchock, Sandy Vilchock & Grace Russell left the meeting.

Chair Anderson expressed condolences on behalf of the BOS & the Town to the Rafter family on the passing of Hal Rafter's mother.

Chair Anderson then recognized Moderator Brian Stucker and he stepped forward to address the Board. He informed the members that the Multi Purpose Room was all set up for voting. There will be 2 check in lines and 2 check out lines (A-L & M-Z). Chair Anderson stated that he & Ms. Bonser would be splitting duties during Election Day since it was unclear if Mr. Rafter would be available. Mr. Stucker informed the members that the candidates would not be in the driveway adjacent to the door into the building. He has decided that the candidates will be allowed to stand up in the new parking lot and that the first two spaces would be roped off for that purpose on Election Day. This will ensure that the 10 ft buffer rule in RSA 659:43 will be observed. This allows voters safe access to the polls. Mr. Stucker asked for a copy of the Move & Second list for Town Meeting. Mr. Brown will get a copy to him before the meeting. Mr. Stucker asked if the signatures on the petition warrant articles had been verified by the Town Clerk. Mr. Brown stated they had been verified. Actually, one petition was initially short two signatures but this was corrected before the submission deadline. Mr. Stucker then asked who would be presenting the Operating Budget (Article # 8) at Town Meeting. Mr. Brown stated he did not know at this

point. Sometimes the Budget Committee will present the budget other years they have deferred to the BOS and then Mr. Brown presents it. Mr. Stucker informed the members that he may set up another podium with a microphone for department heads and others (Budget Committee members etc) to use if they need to answer a question from someone at the audience microphone. He asked if anyone knew of requests to take articles out of order. At their previous meeting, the BOS had decided that they will request that Articles #13, # 16 & # 18 be acted on out of order. Members believe that these three articles will have the most debate and want to give people an opportunity to voice their opinion earlier in the day rather than later. Mr. Stucker reminded the Board that the request for acting on these articles out of order will be acted on by the voters. All presentations will take place before articles are acted on. Chair Anderson reminded Mr. Stucker that there will be a presentation on Pay As You Throw (PAYT). This will be the start of a year long campaign to inform the residents about this program. There may be an article on the warrant in 2013 to institute the program. Mr. Stucker commented on how great the Multi-Purpose Room looked. Mr. Brown said that the women that play basketball a few mornings a week took a weekend & painted the entire room. Mr. Stucker announced that the Food Pantry would be having an open house on Election Day from Noon-6PM to show off the renovations that have been done to the pantry space. He stated that the Girl Scouts/Brownies would be making goody baskets for the Election workers. He said that the Girl Scouts would be selling cookies from 3-7pm in the kitchen and the Woman's Club would be selling raffle tickets as well. Mr. Stucker informed the Board that he plans to breakdown everything after the election tomorrow evening and have everything put away before he leaves tomorrow night. A discussion followed about the increasing demands on moderators with all the new voting regulations that have been put into place. Most towns in NH are having similar issues. This is one of the items that will be discussed at the next regional Selectmen's meeting. Mr. Stucker told the Board that they might need to replace the curtains for the voting booths in the next 4-5 years as they are starting to show their age. They may also have to look into purchasing additional booths in the future as well. The State says that there must be 1 booth for every 125 voters in a State or Federal Election and 1 booth for every 150 voters in a Town Election. Mr. Stucker told the members that he would be arriving at 7AM and he would rope off the area for the candidates then. There are not as many requirements for posting material outside the election area for a Town Election as there are for State & Federal Elections. He told the members that he had spoken with the Secretary of States office and the Town Clerk can participate in the election process even though her name is on the ballot. The law allows Selectmen, Moderators, Supervisors of the Checklist and the Town Clerk to perform their duties while on the ballot. Board members thanked Mr. Stucker for all his work. Mr. Stucker left the meeting at 7:20PM.

At 7:20PM, Jim Rosborough stepped forward to address the Board. He was in attendance to discuss his request to extend the emergency lane designation from 41 Moores Road down to #49 Mooers Road. He stated this is approximately 300 additional feet. He also stated this portion of the road provides direct access to the lake and has an adequate area in which to turn around. He said that there are 7 residences on this portion of the road with 5 being year round homes. Mr. Brown stated that he & Ms. Bonser had ridden down there earlier in the day. He stated the road narrows down considerably after # 41 and then widens out but the road is in tough shape. He stated he had not had a chance to formally ask the Fire Chief, Police Chief and the Road Agent about their recommendations for this request. In Mr. Brown's conversation with the Fire Chief today, the Chief had mentioned that the department had been down to one of the houses on this portion of the road several years ago for a chimney fire and that it was pretty tight for the trucks to get in. Mr. Rosborough is willing to widen the road if the Town would then grant the emergency lane status to that portion. Ms. Bonser referenced several times throughout the

discussion the Emergency Lane Policy that the BOS had created. Paul Finn, John Edwards and Dave Finn each stepped forward to request that the Town extend the emergency lane to include this 300 feet of road. Mr. Edwards stated he had measured the road at its narrowest and it was 16 feet (minimum width required in policy). After some more discussion, the residents were asked to put a request together addressing the criteria in the Policy to include the Public Welfare & Safety Concerns, and Road Conditions. Mr. Brown will let the department heads know that he will be requesting feedback on this issue shortly. The residents thanked the Board for their time and then left the meeting (7:40PM).

Members next reviewed the new Fee Schedule for the Recycling Center. There is some discussion among the employees about the pricing on the couches & loveseats that have a bed. It was decided to leave the notice as is and if changes (decrease price) need to be made they can be done after the public hearing. The members had requested at an earlier meeting that the notice be available for distribution at Town Meeting. Don Cinfo had recommended changing the vehicle stickers from lifetime of the vehicle to yearly issuance. His reasoning behind the change was to keep better track of how many people actually use the Recycling Center. He also would like to see an increase in the price of the sticker as well (currently \$1). After some discussion, the members decided to postpone the sticker discussion to a later date. If the Town adopts a PAYT system, the use of the facility may change. Chair Anderson stated he had participated in a survey done by UNH and the results indicated that Nottingham recycles at about 40%.

The next item on the agenda to be discussed was Range-ways and Winter Street. Mr. Brown, Ms. Bonser & Paul Colby met with Peter Landry & Kenneth Cardillo a couple of weeks ago. Mr. Cardillo has purchased the property at 61 Kennard Road (2 lots) and wants to build a house on the lot that has no frontage on Kennard Road. The lot does have frontage on Winter Street, which is a private road. Mr. Cardillo would like the Town to give him a building permit for the lot and then discontinue the road. Mr. Landry has done extensive research on range-ways and Winter Street in particular. There was a request in writing provided but it did not include the vast amount of information that was discussed at the meeting. Mr. Brown spoke with the Town Attorney after the meeting. Attorney Teague stated that the Town could not grant a building permit and then discontinue the road. He also told Mr. Brown that the Town should take all the time it needs to sort this issue out. Range-ways are a complicated issue and much more information is needed before anything can be done. Mr. Brown will get in touch with Mr. Landry and ask for additional information.

Chair Anderson announced that Recycling Center would be closed this Saturday, March 17, 2012-not enough certified people to keep facility open (1 on vacation and 1 in attendance at Town Meeting). He also reminded everyone that Election Day was tomorrow, Tuesday March 13 from 8AM-7PM here in this building. Town Meeting takes place on Saturday March 17 starting at 9AM at the Elementary School.

Based on the recommendation & at the request of the Library Trustees,
Motion: Bonser, second Anderson to appoint Susan Medeiros as alternate Library Trustee (1Year term).

Vote: 2-0 in favor.

The Town Clerk has requested that a refund of registration fees be issued to Jonathan White for a car registered last August that failed to pass inspection. After some discussion,

Motion: Bonser, second Anderson to refund Town portion of the registration fees to Jonathan White at the request of the Town Clerk.

Vote: 2-0 in favor.

Ms. Bonser asked if everything was ready for Town Meeting. Mr. Brown indicated that he would be getting all the balances in the various accounts and would have that information readily available at the meeting. He reminded the members that approximately 60% of the legal budget has already been spent. All department heads are monitoring their fuel lines and they will be prepared to request an increase to those lines on the floor at the meeting if needed. Mr. Brown informed the members that the Fire Chief has said that the training & equipment lines in the Fire Budget will be overspent this year, due to new members in the department who need training & equipment. Other lines will not be spent down to ensure that the department does not exceed its bottom line.

Ms. Bonser requested that the next meeting change from March 26 to March 19. Mr. Brown will make the change and advise the new member of the meeting.

Regarding outstanding minutes,

Motion: Bonser, second Anderson to approve the minutes of the February 21 meeting as written.

Vote: 2-0 in favor.

Motion: Bonser, second Anderson to approve the minutes of the February 27 meeting as written.

Vote: 2-0 in favor

Having no further business in public session,

8:22PM **Motion:** Bonser, second Anderson to enter non-public session per RSA 91-A: 3 II (a)

Roll Call Vote: Gary Anderson, yes, Mary Bonser, yes, 2-0 in favor.

Motion: Bonser, second Anderson to come out of non-public session and return to regular session.

Vote: 2-0 in favor.

Motion: Bonser, second Anderson to keep all non-public discussion and action sealed.

Vote: 2-0 in favor.

During non-public session, the Board took action on a personnel matter.

Having no further business,

8:30 PM **Motion:** Bonser, second Anderson to adjourn.

Vote: 2-0 in favor.

Respectfully Submitted,

Heidi Seaverns

Approved as amended at the March 19, 2012 meeting.