

**Minutes**  
**Nottingham Selectmen's Meeting**  
**November 19, 2012**

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

Members Present: Mary Bonser, Hal Rafter and Mark Carpenter.

Others: Charles A. Brown Town Administrator, Dawn Wirkkala Secretary, Gail Mills, Chris Mills, Judy Doughty, Susan Levenson, Korey Ferland, Lorraine Ferland, Romeo Danais, Robert Sprague, Gary Anderson, Eugene Reed, Peter Perron, Heidi Seaverns, Jim Ovens, Richard Morrissey, Rhoda Capron, Jason Neuman, Laurie Legard, Pam Kelly, Tom Duffy, Sam Demeritt, Susan Mooney, Celia Abrams, Deb Kimball, Cheryl Smith, Noel Carlson, David Finn, Janice Lyle

**Appointment of Temporary School Board Member:** The Selectmen met with Ms. Gail Mills and Ms. Lorraine Ferland, candidates for the recent vacated position on the School Board. Mr. Jack Caldon resigned his position as he moved to another municipality, existing School Board members were tied two to two on the vote and the Selectmen were needed for a tie-breaking decision.

Mr. Rafter suggested hearing from the candidates, Gail Mills and Lorraine Ferland prior to making a motion.

Ms. Mills and Ms. Ferland each reviewed their qualifications and why each would be the best individual to fill the vacant position on the School Board.

Chair Bonser stated the situation is unusual to appoint a new member from individuals who have run before and asked if there were others who wanted to speak.

Ms. Doughty reviewed it was most important to have some diversity of individuals on the School Board. Ms. Doughty stated she served six years on the School Board and diversity of members is important; both those with students in the system and those without.

Mr. Perron stated he was speaking as a citizen and gave his support to Ms. Mills. Mr. Perron reviewed her volunteerism with Town Committees and Boards, education work history, and tasks as an educator and as a Nottingham resident. Mr. Perron stated Ms. Mill received 9.7% more of the votes than Ms. Ferland.

Mr. Sprague stated Ms. Mills is an educator and leader; specifically regarding the issue of large ground water withdrawal and her non-tiring efforts to protect it and she has been a constant support of town Committees and Boards. Mr. Sprague stated the activities that have taken place over the last couple of days denigrating one of the nominees is unacceptable.

Chair Bonser stated she hasn't received anything denigrating anyone; Mr. Rafter stated it was denigrating by implication. Mr. Sprague stated almost everyone who runs for Town Government has run into this situation, hopes that this can be an end to that type of behavior, and also hopes the Selectmen can use their power to try and stop those kinds of actions.

Mr. Danais stated he is in support of Ms. Ferland stating she is young and aggressive and is ideal to complete work for Nottingham. She knows the issues already taking place for and with the School Board and it makes her the best candidate. The votes from the past election should not be applied as the votes were split between four candidates and it is a faulty method to consider.

Mr. Ferland stated Ms. Ferland has passion for the school and her volunteerism at the school, and is very committed. She understands budget issues as a parent of a single income family, and her

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knowledge of the existing relationships with the SAU, school members, and School Board are a valuable history.

Mr. Carpenter asked for clarification about the length of the term. It was stated it would be until the next March 2013 election.

Mr. Anderson stated he appreciates the positive words regarding Ms. Ferland, however, from a point of process it makes sense for the Selectmen to look at the previous election votes to determine who should be chosen. Chair Bonser stated that is the usual default position and is glad to have it stated.

Mr. Ferland stated the opinion of the election of March 2012 are moot, because there were only two open position and four candidates and it is unknown of how individuals would vote if there was a different election or a special election with only the two candidates.

Mr. Reed stated the Town is working on the difficult task of budget setting and it is one of the most pressing needs of the School Board right now. There are time constraints with the budget process and Ms. Mills's prior experience with the Budget Committee is a valuable tool.

Mr. Mills stated he has known Ms. Mills a long time, watched her get her qualifications and utilize them in a variety of tasks; she has been able to think outside the box both for teaching and management positions, which is a valuable tool.

**Motion:** by Mr. Carpenter and second by Chair Bonser to nominate Ms. Mills for the interim position on the School Board.

Mr. Carpenter thanked both candidates for their continued interest of being part of the school. After significant analysis of prior school budgets, Nottingham has experienced significant school budget increases with a loss of education results, and it is unacceptable. Nottingham students are suffering, more money is being spent and less education is taking place. The School Administration is attempting to now raise even more funds to get out of the educational mess; with no plan for recovery. The School Board needs experience and objective minded leadership for the betterment of the children. Ms. Mills is a silent selection of the majority of town citizens; an educator for 22 years, she has worked tirelessly for the town on a variety of important topics, she has a management background and regarding this topic she is in the best position to do what is best for the Town and the School. Mr. Carpenter encouraged the Selectmen to vote for Ms. Mills.

Mr. Rafter stated both candidates have shown they have the needed skills and qualities, shown a commitment to the town and both would be good candidates bringing valuable approaches to the School Board. Discussion regarding the prior election has been eliminated by the decision of the existing School Board members, splitting the vote evenly. Information received over the last week has shown support of Ms. Ferland and if that is what other Selectmen have heard that is where the support should be. Mr. Rafter stated he has communicated with Ms. Ferland, believes in her ability, and gives her his support.

Chair Bonser stated the information for support of one candidate over another has been split 50/50.

Mr. Carpenter stated he also received information that could be split 50/50. However, he believes the majority of citizens are not aware of the situation and only the few who actively participate have expressed their opinion. Mr. Carpenter stated he believes the citizens not aware of this situation would be in support of Ms. Mills.

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**Chair Bonser called the vote.**

**Vote:** 3 – 0 in favor of Ms. Gail Mills.

Chair Bonser thanked everyone for attending and offering their input, reminding everyone there would be an election in three months.

**APPOINTMENTS:** 7:00 pm: Library Trustees/Library Budget, 7:15 pm: Board of Assessors/Assessing Contract, 7:30 pm: BOS/Conservation Committee Kennard Road/Property Purchase Hearing

**7:00 pm:** Ms. Legard completed introductions and stated the Trustees have decided they want to periodically update the Selectmen on activities at the Library.

Ms. Capron completed a review of the Library budget. There were slight increases in salaries at an approximate 2%. If the amount at 2% equaled \$0.23 the raise amount was increased to \$0.25. Ms. Legard stated the 4% increase for the Director is to compensate her for her activities at the Library in addition to a survey of comparable communities Library Directors. Ms. Capron's salary falls below surrounding local average and the Trustees want to bring her more to the middle of the pay scale. There were no performance awards.

Mr. Carpenter stated he agreed that Ms. Capron did a phenomenal job at the library.

Ms. Capron stated she believed the operating budget would be reduced but additional information is needed. Ms. Capron reviewed the individual operating lines. General discussion took place about the actual 2011 expenses and how close they came to the projected budget. Ms. Capron stated some money was returned to the town from 2011. Mr. Brown stated historically the Library Budget has been very close between budget and expense amounts.

It was stated another Library Trustee meeting would be needed to discuss any final budget amounts and any potential changes.

Mr. Rafter asked about the amount in the telephone line. Ms. Capron stated the telephone amount comes from Mr. Brown. Mr. Brown stated the Town has been with a new contractor the last two years and final telephone amounts will be entered at the end of the year. After discussion the decision was made to reduce the telephone line by approximately \$500.00 or more.

There were no additional questions. Mr. Carpenter thanked them for attending and Chair Bonser reminded them of their meeting with the Budget Committee on November 29, 2012 at about 7:00 pm.

**7:15 pm:** Mr. Reed, Board of Assessor's Chair presented the proposed 2013 multi year contract to the Selectmen. Chair Bonser recused herself from the situation of voting on the Assessing Contract due to conflict of her personal property tax appeal.

Ms. Seaverns reviewed the approved recommendations of the Board of Assessors of the renewal contract with Avitar Associates. Avitar has served the Town well since their return in 2011; they did not produce the values currently under appeal, which were completed by the previous firm CNP. The Avitar proposal spreads out the billing burden throughout the year with even monthly billing rather than some smaller monthly bills and then significantly larger data collection bills and there is a clause that allows for contract cancellation if the amount isn't approved at town meeting.

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Ms. Seaverns reviewed the prior submission of assessing proposals. Avitar was not the highest or lowest, but fell in the middle area of pricing.

Mr. Rafter asked if the level funding would remain the same for the next three years. Ms. Seaverns stated the price would remain the same.

Mr. Carpenter asked how much the actual appeal work budget would total. Ms. Seaverns stated it depends on the number of appeals and there have been more appeal work hours needed.

Mr. Reed stated Ms. Seaverns has taken on many of the day to day tasks and responsibilities and is supportive of acceptance of the Avitar proposal for the three years. The quality of work from the previous company did not meet expectations. Mr. Reed stated although he has had prior personal issues with Avitar, they have consistently offered Nottingham great service.

Mr. Rafter asked if the decision to support the agreement was unanimous by the Board of Assessors. Mr. Reed stated it was.

Mr. Duffy reviewed his history of living and being involved with Nottingham property, and while not a current resident he does not believe Avitar is the best selection.

Mr. Reed asked if information from a non-resident should be considered on matters of budget and Town services. Mr. Rafter asked if Mr. Duffy had any connection to the Town.

Mr. Duffy reviewed his involvement regarding the Town with activity on the PLIA and assistance with Nottingham valuation appeals. Mr. Rafter stated it isn't accepting testimony only public comments and agreed to let Mr. Duffy speak.

Mr. Duffy continued reviewing the history of special property assessment review of property surrounding Pawtuckaway Lake. Mr. Duffy reported there are recent sales ten or more percent lower than their current assessed values. Based on the history of revaluing property, it might be possible for the lake properties to be re-assessed. The Selectmen should review other assessing options.

Ms. Seaverns stated the Selectmen approved the 2007 update of values of properties on Pawtuckaway Lake, the re-assessment being objected to, and the values were upheld as valid with a NH DRA review. Any current values being appealed were completed by CNP and not Avitar.

Mr. Marcy stated he was involved in the prior issues with Avitar and his concern was with non-conforming lots. The issues were settled during the abatement and appeal process but still believe the Town should consider other assessor options

Ms. Bonser stated Avitar is defending the current assessments. Ms. Bonser stated it is in her opinion after reviewing the history of Pawtuckaway value issues, in addition to her recent experience, there may be merit to the Pawtuckaway resident's complaints. There was a special meeting regarding this issue in 2007 and per town vote; Avitar was released from their contract. Despite continued support of Avitar by the Board of Assessors, concern of that decision and personal experience, she urged the Selectmen to put the assessing out to bid. Ms. Bonser stated she is frustrated because she feels she cannot get answers to how her property was valued.

Mr. Reed reviewed his personal history with Avitar and feelings of lack of methodology for assessing in NH. There is no standard of establishing values from the state and probably never will be; it is a complicated process. Mr. Reed stated there was a time when he was against Avitar and understands Ms. Bonser's opinion. Assessing complaints were brought forward

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against Avitar and they were found to be unfounded by Mr. Steve Hamilton, Director of Property Appraisal NH Department of Revenue.

Mr. Reed stated assessments are judged by a series of statistical tests completed on an annual basis, by the assessor and NH DRA. Nottingham statistics fall within the prescribed numbers, both ratio and Coefficient of Dispersion (COD). Reviewing the sale price of current properties, calculating the estimated value of each component of each section of the property, both building and land, establishing both a land and building value, and then applying the information based on data collected regarding each individual property allows the values to be established.

Mr. Reed continued stated part of the current problem with Ms. Bonser's property is denied access to the property to establish the exact property specifics; when access isn't available assumptions are made. The appraisal submitted by Mr. and Mrs. Bonser indicate inaccuracies regarding the property data, but access has been denied.

Mr. Carpenter asked about the information from Mr. Marcy and non-conforming lots. Mr. Reed stated he could not comment without the specifics. The system isn't perfect, Avitar isn't perfect, but given everything the laws and rules require, Avitar is not doing a bad job, and it is unfair to state that they are. Mr. Duffy sold his house for much more than it is assessed; however you don't hear those stories only when the property sold for less than assessed.

Ms. Bonser stated by law taxpayers are not required to allow entrance to their property and the physical data is only a small percentage of the problem. Ms. Bonser asked the Selectmen to review the past activities and requested the process be put out to bid.

Ms. Kelley stated despite the unwillingness to dwell on the past the issue hasn't gone away. Values on the lake have continued to increase, specifically the land, feels the assessor arbitrarily selected a land value. While the special town meeting terminated the contract, the intent was to remove them permanently.

Mr. Duffy requested the Selectmen to review all of the abatements from the re-assessment of Pawtuckaway Lake properties.

Janice Lyle stated she thought the value used for her property was the selling price in 2007 and despite values dropping for her neighbors in 2010, her value increased.

Mr. Reed stated if the Selectmen have any doubt about the decision to select Avitar they should put it out to bid. Mr. Rafter stated the Avitar contract has received NH DRA approval

Ms. Seaverns stated her concern about the timeline for seeking new proposals and recommended approval of the one year option; the current Avitar contract ends in 2012. Mr. Rafter asked if Avitar would be willing to accept a one year contract at the same price. It was stated they would.

Mr. Carpenter stated after listening to discussion, it appears there is evidence Nottingham is doing well with Avitar, the Board of Assessors supports signing the contract, the 2007 abatements and appeals versus the 2010 values that were completed by a different company. Mr. Carpenter stated he wanted to review the information, is concerned from a budget point, but would sit with Mr. Reed and Ms. Seaverns prior to making a decision. Mr. Carpenter asked if the lake property values should be revalued.

Discussion took place about deadlines for signing the contract and it was decided the Selectmen would review further information before making a decision.

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Mr. Fenn reviewed there were others upset with Avitar and there has been nothing said to select Avitar, the Selectmen should consider possible competition.

The Selectmen delayed making a decision about signing the contract and Chair Bonser returned to the board.

**7:30 pm: Board of Selectmen/Conservation Kennard Road Property Purchase Hearing.**

Chair Bonser opened the hearing at 8:25 pm with the Conservation Commission regarding the purchase of property on Kennard Road from Mr. Ron Kennard.

Mr. Demerit reviewed the property information, acreages, location, and accessibility to and near other conservation property. The value is based on Current Use assessment and is low; buildable lots could bring in additional value, but there is a desire to place the land in conservation. Chair Bonser asked about the easement. Mr. Demerit stated there isn't a current agreement for easement but there is a plan to seek one.

Mr. Demerit reviewed the property characteristics. Chair Bonser asked if there were any special deed requests regarding the purchase from Mr. Kennard. Mr. Demerit stated he didn't not know if Mr. Kennard had any special requests regarding an easement, but he would review the most recent information received.

Mr. Carpenter asked about the proposed Conservation Commission greenway. Mr. Demerit stated it is still under consideration.

Ms. Smith stated the Conservation Commission has recommended meeting with a specialist to determine a plan for best management of the forest and for animal protection, to address possible restrictions on the deed.

There were no additional questions or discussion.

Chair Bonser closed the hearing at 8:35.

**Motion:** by Mr. Rafter, second by Mr. Carpenter to approve the Conservation purchase of M11 L6 on Kennard Road of 34 acres for \$34,000.00.

**Vote:** 3 - 0

**MANIFEST SIGNATURE:**

**Motion:** by Mr. Rafter, second by Mr. Carpenter to approve the 11/19/12 manifest.

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

**OUTSTANDING MINUTES:** Approval of minutes was postponed.

**General Business and Department Reports:**

**Pawtuckaway Lake Drawdown:** Chair Bonser stated she liked the response from Mr. Brown to Ms. Liz Kotowski about taking a position on the drawdown. Discussion took place about the planned drawdown and review of conditions with a lower drawdown amount and potential consequences over a couple of days. The Selectmen had continued concern about the change in drawdown and the limited length of time for the trial run, especially where the lake is not yet frozen. While DES is looking for feedback and photos with the planned test; it may not provide enough of a response to judge what really happened.

Chair Bonser asked if the Selectmen should take a position regarding this issue, stating there is no scientific data with changing the drawdown. Mr. Brown stated it is his understanding NH DES will continue to monitor potential consequences to Pawtuckaway.

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Mr. Rafter stated the state controls water resources and what happens with the state owned lakes and rivers.

Chair Bonser stated she wanted to re-inform NH DES about the Nottingham opposition to the change in draw down.

**Water Ordinance:** Chair Bonser reported her review of the ordinance aquifer protection district and after a comparison to the Town of Rye ordinance; it appears to be a good process. The aquifer protection plan was needed in the Master Plan. Mr. Carpenter asked about the consumptive water use plan also needed in the Master Plan and it still needs to be written.

Chair Bonser stated there is nothing mapped for bedrock aquifers and the aquifer protection ordinance isn't applicable. The zoning portion needs a few changes, but will also be searching for information on consumptive water plans. Mr. Brown stated the current changes may not stop anything regarding the existing USA Springs options. An aquifer protective ordinance district seems to trump anything for pre-existing use. Mr. Carpenter asked to get a copy of the information.

Chair Bonser stated she compared the difference between the Nottingham plan and Rye plan and one difference is to exempt Town owned salt sheds; Nottingham should rule by example and should follow the same rules as all citizens.

Mr. Carpenter stated he spoke with Representative Tasker about the change of the language in statute regarding a previously clarified statement by Chair Bonser. The change was specifically to address large ground water withdrawal by a commercial entity and he suggested adding "non-commercial large groundwater" to Representative Tasker.

Mr. Rafter stated he is concerned possible negative impact with that type of wording change. If an adjacent town owns control over groundwater and they agree to let a commercial entity draw water, there may be nothing Nottingham or the state could do about it.

General discussion took place about possible language changes. Mr. Carpenter stated he believes with any potential changes considered, the process may ultimately lead back to HB1853.

Mr. Carpenter asked to meet with the Representatives to discuss the issue. There was agreement to scheduling a meeting on 12/3. Chair Bonser asked to also review the other Planning Board changes to ordinance on 12/3.

**Office Closing:** Mr. Brown stated he received a request to close the office for Monday, December 24, Christmas Eve. Discussion took place and no decision was made.

**Budget Committee/Town Department Meeting:** Mr. Brown reviewed the schedule of when Town Department Heads will meet with the Budget Committee.

**Recycle Center Closing:** General discussion took place about the responses being heard by the Selectmen about the decision to change the operating days at the Recycle Center. There are some who are unhappy, but there are also positive responses that the savings received by the change is worth the fewer days.

Signs will be posted in all available locations as soon as possible.

**Health Insurance:** Mr. Brown reported an email was received about a different health plan from LGC and another private insurance company meeting taking place the next week for consideration of possible savings. More information would be available by the next meeting.

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**LGC Refund:** Chair Bonser reported there was a denial to the LGC about a hold to refund the monies. Mr. Brown reported other town managers and administrators have spoken of the issue and will be happy when the LGC will settle the issue.

**Town Budgets:** Mr. Brown stated he is completing a review of budget amounts and information is being compiled to provide answers to the questions asked by the Budget Committee about the first draft of the Town Budget. Mr. Brown and Mr. Carpenter stated they would discuss some of the comment expressed by budget committee members about the town budget.

Mr. Carpenter stated this is a first draft of the town budget, which was mostly level funded. Citizens need to know the school first draft budget was raised from \$9.6 million dollars to approximately \$11 million dollars. Mr. Carpenter stated he is very unhappy with the school budget given all the hard work the Town has done to keep its budget level funded and doesn't understand the rationale with the significant school increase. Mr. Carpenter stated he has had discussion with a principal from another similar size school and was told the increases were only .7% over the last several years; there is something fundamentally wrong with the Nottingham school budget.

**ADJOURNMENT:** Having no further business,

9:20 PM **Motion:** by Mr. Carpenter, second by Mr. Rafter to adjourn.

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

Respectfully Submitted,

Dawn Wirkkala