

**Minutes
Nottingham Selectmen's Meeting
December 17, 2012**

6:40 PM Mr. Rafter opened the meeting.

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

Others: Charles A. Brown Town Administrator, Dawn Wirkkala Secretary, John Terninko, Romeo Danais

OUTSTANDING MINUTES:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the minutes of the December 3, 2012 Selectmen's meeting as amended.

Vote: 2 - 0 in favor.

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 12/17/2012 manifest.

Vote: 2 - 0 in favor.

GENERAL BUSINESS/REVIEW:

Department Review: Mr. Brown stated he didn't have any specific individual department reports; things are going well. However, discussion was needed regarding merit bonuses.

Town Offices: Mr. Brown stated he received an offer for a possible large group discounted electric power rate; this would be an agreement with an independent provider of the actual electric power and PSNH will be only the delivery agent. Additional information about the proposal is coming but there are still questions about the cost and contract terms. Mr. Brown stated this would be an attempt to get a group rate discount with the school district and other towns for electricity, through Unified Energy; this agreement would be for those town buildings that use PSNH operations.

Mr. Carpenter asked about what happens when the company fails. Mr. Brown would request an answer. Mr. Rafter asked if there would be a contract with the agreement. Mr. Brown would get further information to clarify how the contract would work.

Fire Department/Building Inspector: Mr. Brown distributed documentation from the Building Inspector in response to a memo received from the Fire Chief. The memo from the Fire Chief expressed his belief there is a possible conflict of interest between the Building Inspector and the inspector of the Rymes/Fernald propane tank installation, because they have worked with each other before. Mr. Brown stated he is concern about possible legal action by the Fernald's and/or Rymes; approval has been given by the Planning and Zoning Boards and there appear to be difficulties getting an understanding from the Fire Chief about any specific remaining issues that need to be addressed so work can start.

Mr. Rafter asked about the bridge repairs and if there were any deadlines to be met. Mr. Brown stated he believed the bridge repairs have been completed and approval received from NH DOT. Mr. Carpenter asked about the possible approach needed from the Selectmen and Mr. Brown indicated no response was needed at this time.

Ready Rides: Mr. Brown stated the town attorney was contacted about the ability to make payment to the church for Ready Rides and he is waiting for an answer. Mr. Brown reported he received the proposed budget from Ms. Horvath for Ready Rides, which includes information about two grants that will help support the program. Mr. Carpenter asked where the grants came from and Mr. Brown stated it was unknown at this time.

Town Signs: Mr. Brown presented samples of the proposed new Town Office and Police Department signs, which will replace the existing worn out signs. The recommended contractor costs \$40.00 more,

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but he has provided samples of the new design and has been very responsive; the other company isn't willing to provide a sample and isn't responding to questions.

Budget: Mr. Brown stated he didn't have any changes to report regarding the 2013 budget. However, he has sent a spending freeze memo to Department Heads; even with a last few items being considered for purchase, there is an approximate \$60,000.00 that may be returned. The new gym doors are being installed, new fixed asset software is being order at a savings of approximately \$300.00, and filing cabinets for the Administrative office have been ordered.

Channel 22: Mr. Carpenter reported discussion with Comcast indicates they are ready for implementation, but the material he received fell short of what he expected. An additional request for timeline will be requested again this Wednesday.

Ms. Wirkkala reported she has scheduled a group meeting between Comcast, Access AV and the town technical support staff for Thursday, January 3 to try and solve the broadcasting issues.

Warrant Articles: Mr. Brown reported the deadline for petition warrant articles was February 5; he had already received a call asking about citizen provided articles.

Appointments: 7:00 Romeo Danais/John Terninko and USA Springs; 7:15 None; 7:30 None

7:00 PM - Danais/Terninko: Mr. Terninko presented information to the selectmen regarding a proposal drafted between him and Mr. Danais to hopefully work with the Town to place a bid on the USA Springs property. The plan includes their sending a \$25,000.00 good faith bid to the US Bankruptcy Trustee and negotiate for the acquisition of all assets of USA Springs. The plan includes the option to "sell" all permits, rights of way, and all other assets to the Town of Nottingham for \$250,000.00, in the form of tax forgiveness, from the total amount due to Nottingham, to tender to the Town a mortgage obligation of the remaining tax amount due with annual 6% interest to be due to the Town upon sale of the property or no later than three years.

Mr. Terninko and Mr. Danais stated this plan provides the Town the ability to prevent the use of the water by any other potential water company for bottling water. Mr. Terninko and Mr. Danais will actively seek a conservation easement for the land bordering the Barrington prime wetland aquifer and the to be determined aquifer in Nottingham, they will offer the possibility that any profits shall be shared 40% / 60% between Nottingham, Mr. Terninko, and Mr. Danais; after Mr. Terninko and Mr. Danais have received a 10% return on any and all capital invested.

General discussion took place about the possibility of the situation. Mr. Brown stated he would review the material further and would contact the town attorney.

Mr. Rafter asked about the possible timeline for purchase and implementation of what is proposed.

Mr. Danais stated if the proposal could be provided by the end of the year it might take an approximate 22 days up to several months to complete the process between the court and Town.

Mr. Rafter asked what action would be needed from the Town. Mr. Danais stated they need to know whether the Town will be working with them or not in order to move forward. Mr. Brown stated the previous suggestion of purchase and tax forgiveness presented to the Selectmen was reviewed with the attorney and the answer indicated it wasn't an available option.

Mr. Carpenter stated an answer would be needed from the town attorney before any action was taken.

Mr. Rafter asked about the stated value of the permit. Mr. Terninko and Mr. Danais stated they estimated the value based on the amount of money the Town has spent in legal fees regarding the issue, indicating it would be difficult to get a true value.

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Mr. Carpenter asked if there was certainty that the permits can be transferred. There was agreement that Mr. Terninko and Mr. Danaïs need to establish whether or not the permits can be transferred to them, with the purchase, and then to the Town. Mr. Danaïs stated the Court could make the consideration to extend the life of any permit given to USA Springs, if they so choose.

Mr. Carpenter stated he wanted answers to the questions they are asking, with answer in certainty; assumptions cannot be given in order to move forward. Mr. Brown stated he doesn't believe the court will be willing to accept such a low bid amount.

Mr. Rafter stated he believed this decision will need a vote of the Town and not only a vote by the Selectmen.

Mr. Carpenter asked about the Barrington portion of the land, and if a similar deal was being sought. Mr. Danaïs stated he didn't believe the taxes are significant in comparison to the Nottingham taxes; no deal has been requested or considered.

Mr. Terninko asked about the tax amount prior to USA Springs and Mr. Brown stated he believed it was in current use with minimal tax, but he would need to request specifics about prior year taxes.

The Selectmen agreed that Mr. Brown would seek answers to their questions about the Town's ability to enter into an agreement and what the terms of the agreement would have to be. There were the questions about the ability to forgive and allowed timeline for repayment of taxes, ability to sell and transfer the permits, if there was a need for a special town meeting to get citizen approval, and could the Town hold a mortgage. Mr. Carpenter asked for the attorney to try and let the Town know possible available options to enable it to consider an option such as this.

The need for fast action was requested due to the short time frame to respond to the Bankruptcy court.

Mr. Terninko and Mr. Danaïs were asked to find the answer about the transferability of the permits; to allow in some manner to restrict the use of the permits.

The Selectmen thanked Mr. Terninko and Mr. Danaïs for their creative thinking.

NON-PUBLIC SESSION: The Board entered non-public under RSA 91-A:3 II(a).

8:30 PM Motion: by Mr. Rafter, second by Mr. Carpenter to enter non-public under RSA 91-A:3 II(a).

Vote: Carpenter – Yea, Rafter – Yea. 2-0 in favor.

8:47 PM Motion: by Mr. Carpenter, second by Mr. Rafter second to exit non-public session.

Vote: 2 - 0 in favor.

Motion: by Mr. Rafter, second by Mr. Carpenter, to seal the non-public minutes.

Vote: Carpenter – Yea, Rafter – Yea. 2-0 in favor.

The Selectmen took action to approve merit performance bonuses.

Ready Rides: Mr. Rafter asked if additional information was received. Mr. Brown stated he distributed information about the Ready Ride budget.

Recreation After-School Program: Mr. Brown reported he discussed the program with Ms. Horvath and she stated if full time staff continues to be an unacceptable option, she would hire three part time people instead of hiring the Recreation Assistant in a full time position. Mr. Brown stated this could be a program similar to other programs run by the Recreation Department; run exclusively under the Recreation Revolving account.

Mr. Carpenter stated he is more comfortable with the consideration of the Recreation Department taking over operations with three part time staff members and having it funded under the Recreation

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Revolving account, but believes the Selectmen should consider the issue further before making a decision.

Mr. Rafter stated the Barrington program is both morning and afternoon, but they have a bigger population and a larger budget. Mr. Rafter stated he was more comfortable with the program if it was self-funded, including the full time position for Kate.

ADJOURNMENT: Having no further business,

8:49 PM **Motion**: by Mr. Rafter, second by Mr. Carpenter to adjourn.

Vote: 2 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala