

**Minutes
Nottingham Selectmen's Meeting
December 3, 2012**

6:15 PM Chair Bonser opened the meeting.

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

Others: Charles A. Brown Town Administrator, Dawn Wirkkala Secretary, Janet Horvath, Heidi Seaverns, Jason Neuman, Tom Duffy, Pam Kelly

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

6:16 PM Motion: by Chair Bonser, second by Mr. Carpenter to enter non-public under RSA 91-A:3 II(c).

Vote: Bonser – Yea, Carpenter – Yea, Rafter – Yea. 3-0 in favor.

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

Vote: Bonser – Yea, Carpenter – Yea, Rafter – Yea. 3-0 in favor.

7:05 PM Motion: by Chair Bonser, second by Mr. Carpenter second to exit non-public session.

Vote: 3 - 0 in favor.

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 12/3/2012 manifest.

Vote: 3 - 0 in favor.

GENERAL BUSINESS:

Dame Building: Mr. Brown reported the steeple was being removed for repairs.

Assessing Contract: Chair Bonser recused herself from making a decision on the Avitar assessing contract due to a conflict of interest. Mr. Rafter assumed the position of Chair and stated brief comments would be accepted.

Mr. Duffy presented a list of recent water property sales, the Krajewski report, and a 2010 abatement application with the Avitar response for Selectmen review.

Ms. Bonser stated she is concerned with the assessing services being provided and completed by Avitar. Ms. Bonser expressed her opinion that there is an attitude presented by Avitar staff, the Board of Assessors is resistant to believe taxpayers over the assessor, and the fact citizens of Nottingham have already voted to remove Avitar; these are reasons not to approve the contract.

Mr. Carpenter clarified and reminded everyone that the recent values being appealed were completed by Commerford Neider Perkins and not Avitar.

Motion: by Mr. Carpenter, second by Mr. Rafter to accept the three year Avitar contract as recommended by the Board of Assessors.

Mr. Carpenter reviewed his reasons for accepting the Board of Assessors recommendation are based on several hours reviewing the Krajewski Report and the conflict of interest letter from Avitar's attorney to Mr. Krajewski, the DRA report that was in favor of the 2007 Avitar assessments, the 2007 abatement applications, the special town meeting results, reflecting on his personal interactions with Avitar, and also the "Reed" factor. Mr. Reed has been extremely outspoken against Avitar in the past, however he is now specifically in favor of a three year contract with Avitar, and his decision speaks loudly. Due to those things and the current timing to search for a new contractor, the ability for balanced budget billing and level funding, having current coverage of appeals, in addition to potential leverage with future contract considerations he makes the recommendation. Mr. Carpenter stated the Selectmen will make it a priority to review assessing contracts earlier in the year for the future, and given the opposition and

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concerns expressed, he has requested the contract to include a termination clause in addition to quarterly meetings between the Board of Assessors and Avitar.

Mr. Rafter asked for an amendment to the original motion.

Amended Motion: by Mr. Carpenter, second by Mr. Rafter to recommend a 3 year Avitar contract with a termination at will clause with a 30 days notice with no penalties to the town, a quarterly management meeting between the Board of Selectmen, Board of Assessors and Avitar open to the public and a following discussion to determine if there is cause to go out to bid for alternative assessors.

Mr. Rafter stated he didn't believe the management meeting would be considered as part of the contract only a step taken by the Selectmen.

Ms. Bonser asked if it was the intent of the Selectmen to accept a company who could have solved the problems but didn't only because it was cheaper than finding someone else who might be better. Mr. Carpenter stated that wasn't what he said and clarified the town was out of time, needed an assessor, and that there would be more management of the contract with quarterly review meetings. If there is no contract he didn't believe the town would have as much leverage in seeking other contract assessors, if it was determined a new assessing company was wanted. Ms. Bonser stated she believed the decision to be logical, but the 2007 decision to put out a request for bids was in December and doesn't believe the timing is a problem now.

Mr. Rafter stated there was a big issue in 2007, Avitar was terminated and the Board of Assessors created. Despite the 2007 concerns that members of the Board of Assessors had with Avitar, they are now unanimously recommending acceptance of the three year contract. Mr. Rafter stated he had great confidence with the Board of Assessors, there were concerns with the company that replaced Avitar after 2007 and there will always be those who object to the assessor. For all the reasons stated by Mr. Carpenter, in addition to the Board of Assessor support there is a comfort in approving the contract.

Mr. Rafter called the vote.

Vote: 2 - 0 in favor to sign the three year Avitar assessing contract as amended.

Pawtuckaway Test Drawdown: Mr. Duffy stated the test drawdown has started. Mr. Carpenter requested that any data collected regarding the test; pictures, statements, etc. also be submitted to the Selectmen for their review.

Ready Ride: Ms. Horvath reviewed the request to add Ready Rides to the Nottingham social services warrant article requests. This program would service Barrington, Northwood, Nottingham and Strafford to start a volunteer driver program for seniors and the disabled keeping them independent while serving their health care needs. All documentation has or is being created and the program is being patterned after the TASC, Transportation Assistance for Seacoast Citizens program in Stratham. Ms. Horvath stated the program is currently being run by the Northwood Congregational Church until all independent paperwork is in place for the 501-C3 designation for Ready Rides. Strafford has placed the request for funds on their town warrant; Barrington and Northwood are still in the discussion phase. Ms. Horvath stated Pat Derosier will be the Nottingham representative on the Ready Rides Board.

The Selectman expressed their concerns about making sure the service is utilized and requested tracking how frequently rides were given to residents in Nottingham, the fact that it is a new service, an ability for the Town to donate to a Church as a religious entity, potential fees charged

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for rides, the use of private vehicles and insurance coverage, requesting private donations and is the need of a town donation if the service is volunteer.

Ms. Horvath explained rides could be tracked and would let the Ready Rides board members know of the request, there will be private insurance with each driver but also insurance through Ready Rides. Donation are sought to help with the start up costs, paying for organization registrations, phone coverage, gasoline, back ground checks, and any special driving courses.

Mr. Rafter stated it is worth asking if the Town can donate and would like to contact the town attorney to verify payment can be made to the Church.

Mr. Brown stated he didn't believe it would be problem for payment to be issued to the Church, but would ask the DRA and the town attorney.

Motion: by Mr. Rafter, second by Chair Bonser to approve the request of \$1500.00 for Ready Rides on the vendor list for the warrant article, subject to review by town attorney.

Mr. Carpenter stated he believes it is a good idea, but with all the volunteering, is it better to ask for private donations versus town funds. Ms. Horvath stated there has been recent discussion about the need for fund raising.

Chair Bonser asked if more information would be available by town meeting. Ms. Horvath stated she expected it would be available. Chair Bonser stated it can be put on the warrant, and if citizens are not happy with the information provided at that time, the warrant can be amended during town meeting.

Mr. Carpenter stated he agrees with putting it on the warrant, but would like to make sure donations would be sought. Mr. Carpenter and Mr. Tom Duffy agreed to personally donate \$100.00 to Ready Rides. Ms. Horvath stated there would be fundraising.

Vote: 3 - 0 in favor of adding Ready Rides to warrant article as a social services vendor.

Meeting Schedule: There would be no meeting on December 31 but Mr. Brown requested a workshop for Friday December 28 at 8:00 am to review and discuss encumbrances and any last minute budget issues. There was agreement by all board members to meet on December 28 at 8:00 am.

Water Ordinances: Chair Bonser reviewed her suggested changes to the Zoning Ordinance Article III, adding an authority section. After discussion Chair Bonser would bring the suggested changes to the Planning Board.

Chair Bonser stated the only consumptive water use plan she found was from the Town of Madbury; it was 32 pages of information describing the intent, however, even with the plan, it doesn't stop the taking of water. Chair Bonser stated the plan was expensive to create and implement and still doesn't protect the water in the desired way.

Mr. Carpenter stated the Nottingham Master Plan doesn't discuss the issue either, and at first considered a plan to be a simple process with a few paragraphs of texts. Chair Bonser stated you can create this plan but the next town over can still place a well on the border and take the water.

Chair Bonser stated the Madbury plan does refer to aquifer maps, but there isn't anything about the bedrock map. Chair Bonser stated the known aquifers are protected but not the bedrock.

Mr. Rafter stated he is concerned there is no standing in law and even with a plan it may not mean anything and may be ineffective.

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Mr. Carpenter stated there is mention of the desire to create a consumptive water plan in the Master Plan and it is a good first step but the Town should ask to have a meeting with the Representatives to discuss plans about possibly getting the law changed. The Representatives would be invited to attend the January 14, 2013 meeting at 7:00 pm.

Mr. Carpenter stated Representative Tasker reported the LSR has been submitted for a possible ground water statute change.

Soup Supper/Community Theater Project Announcement: Chair Bonser stated there will be a Community Soup Supper Saturday December 8 between 5:30 pm and 7:30 pm at the Community Center to benefit the Nottingham Community Theater Project. All are welcome.

Planning Board Update: Mr. Rafter stated the Douglas Leib sub-division was approved 4 to 2 at the last meeting, the ZBA action on this property was previously challenged by the Board of Selectmen.

Second Channel: Mr. Rafter asked about the status of the second channel as the Budget Committee Meeting wasn't available last Thursday due to the emergency School Board meeting scheduled at the same time. Mr. Carpenter stated he calls Mr. Somers almost every week trying to get an answer, however getting a plan is much more difficult.

Ms. Wirkkala stated she would re-air the program Tuesday at 7:00 pm.

Budget Committee Update: Mr. Carpenter stated information was expressed that the problem with the school budget is that it is an SB2 plan. Mr. Brown stated there are some lines in the default budget that can't be changed but all other lines in the proposed budget can be discussed, debated and amended at the deliberative session.

Chair Bonser asked to have the Local Government Center present information about the differences between regular and SB2 budgets, schedules and requirements.

Mr. Carpenter stated elected officials stipends came up during a Budget Committee meeting and if there is an effort to limit the growth of town expenses, should pay for elected officials be re-considered?

Mr. Rafter stated stipends have come up in budget discussion before and at that time an extremely conservative citizen objected to eliminating the stipend. It was stated stipends are minimal amounts, help reimburse Selectmen and other officials to get to meetings and other activities. Chair Bonser agreed.

Voter ID: Mr. Rafter stated he wanted to receive information about the actual costs of implementing voter ID and would like Mr. Brown to seek that information. Mr. Carpenter was in agreement.

Proposed Zoning Regulations: Mr. Rafter reviewed the wireless ordinance stating it is new and will govern the site location and characteristics of the towers allowed; new technology won't be covered under this ordinance, only existing technology and there doesn't appear to be federal governing.

Chair Bonser expressed concern about making sure a bond was requested; when technology becomes obsolete the tower could be abandoned and also if there were any potential health safety concerns with the towers. After discussion it was stated the bond amount would be established for each tower on a case by case basis and the bond would address the cost of removal if the tower was abandoned and safety issues are handled by law.

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Mr. Rafter stated there are no current requests to place a tower and the ordinance is proactive to address issues before it is a problem. There are provisions to give Town owned sites preference for location, setting the height of the tower, establish set-backs and other administrative issues.

Chair Bonser asked if a motion was needed. Mr. Rafter stated he would bring the recommendations of the Selectmen back to the Planning Board for inclusion on the warrant article.

Discussion took place about the Accessory Dwelling Buildings; with a jump in allowed size from 420 square feet to 750 square feet. Chair Bonser stated she is concerned about the types of accessory buildings allowed. The Planning Board should be more opened minded and there should be the ability to include a one bedroom park model, less than 750 square feet, with little to no impact.

Chair Bonser asked about commercial vehicles being left on property over night on premises. Chair Bonser stated this might be too constrictive and maybe could be contingent on the parcel size, location of the vehicles on the lot, and if vehicles could be seen. Chair Bonser stated there are few businesses that can operate with only one vehicle. Mr. Rafter stated it was the intent to prevent a fleet of vehicles being parked in a driveway but there could be descriptions of commercial business to further clarify a home business versus a larger business.

Mr. Brown stated there are some typographical errors needing correction.

Chair Bonser asked about the general provisions regarding repairs taking place in 12 months to properties damaged in a fire; some insurance claims can take longer than 12 months and should there be some consideration for adjustment to time with the settlement of a lengthy insurance claim. Mr. Rafter would bring the issue up to the board.

Discussion took place about specifying one type of business versus others in ordinances, such as arts and crafts or landscaping; Mr. Rafter explained the references were more informational and are to represent a business similar in size. Mr. Carpenter asked about the definition of a small object; how small is small; retail can be a store front or internet sales. Chair Bonser stated it should be more objective.

Any additional questions or concerns would be emailed to Mr. Rafter.

CIP Committee: Chair Bonser asked if there was objection to her taking care of the CIP committee and there were none.

OUTSTANDING MINUTES:

Motion: by Chair Bonser, second by Mr. Rafter to approve the minutes of the November 5, 2012 meeting as amended.

Vote: 3 - 0 in favor.

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the November 19, 2012 meeting as amended.

Vote: 3 - 0 in favor.

Office Closing: Mr. Brown stated Town Offices would close at 12:00 pm on December 24 and December 31. Employees would only be paid for the number of hours worked on those two days and vacation time could be used for any time off if they chose. Selectmen agreed to the closing.

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Health Insurance: Mr. Brown reported he had an interview with a new health insurance company, which did have a lower deductible. However with the LGC payment holiday, the current payment would be about the same amount, with no plan change.

Mr. Brown reported that one change insurance companies have made to contracts is a clause that terminates coverage when an employer pays more than 25% reimbursement of the deductible and if the Town changes health plans they will need to re-address the deductible reimbursement. The reason for the clause is the idea that if employees pay less for the insurance the more they use it. Mr. Carpenter asked if there was evidence to support the change, it was stated there probably was. Mr. Brown stated the Town is grandfathered with their existing plan of assisting with deductible payments.

Mr. Brown stated he would seek alternative health insurance options for 2014.

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

9:10 PM Motion: by Chair Bonser, second by Mr. Rafter to enter non-public under RSA 91-A:3 II(a).

Vote: Bonser – Yea, Carpenter – Yea, Rafter – Yea. 3-0 in favor.

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

Vote: Bonser – Yea, Carpenter – Yea, Rafter – Yea. 3-0 in favor.

9:37 PM Motion: by Chair Bonser, second by Mr. Carpenter second to exit non-public session.

Vote: 3 - 0 in favor.

ADJOURNMENT: Having no further business,

9:40 PM Motion: by Mr. Rafter, second by Mr. Carpenter to adjourn.

Vote: 3 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala