Minutes
Nottingham Selectmen's Meeting
January 7, 2013

6:32 PM Chair Bonser opened the meeting.

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

Others: Charles A. Brown, Town Administrator, Dawn Wirkkala, Secretary, Brian Lepine, Representative Kyle Tasker

<u>OUTSTANDING MINUTES</u>:

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the December 17, 2012 meeting as amended.

Vote: 3 - 0 in favor.

Motion: Mr. Rafter, second by Mr. Carpenter to approve the non-public minutes of December 17, 2012 as amended.

Vote: 3 - 0 in favor.

Motion: by Mr. Carpenter, seconded by Mr. Rafter to remove lines 16 through 27, information regarding Ready Rides and the Recreation After-School Program from the December 17, 2012 Non-public Minutes and include them in the public minutes on the same day.

Vote: 3 - 0 in favor.

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the minutes of December 28, 2012 as amended

Vote: 3 - 0

Future Meeting Agenda: Chair Bonser asked about the planned January 28 meeting with Mr. Fernald, and if enough progress would be made to hold the meeting. Chair Bonser stated all parties involved with the issue should be invited to attend, including Mr. Colby and Chief Vilchock. Chair Bonser stated she would like a final resolution to the issue and everyone should come prepared to answer needed questions and concerns.

Mr. Brown stated the Fire Chief has received from Rymes the information that was requested at the December 28, 2012 Selectmen's meeting and has provided a response to Rymes requesting more information, and has still not yet reviewed the application. After discussion it was determined Rymes should supply the additionally requested materials and information as soon as possible; Chair Bonser requested to have the manual delivered by January 22.

The Selectmen agreed that all parties should attend the January 28 meeting, for a final decision.

Mr. Rafter asked if the information being requested of Rymes, listed in the most recent letter from the Fire Chief, were the only outstanding items needed and Mr. Brown stated he believed the listed items were the only items. Mr. Rafter asked if the fire standards being requested by the Fire Chief were higher than local NH fire standards. Mr. Brown stated he believed there is agreement to use the most recent fire standard codes. Mr. Rafter stated for follow up, regardless of compliance, it should be reviewed; has the fire protection analysis plan changed since the original analysis and Mr. Brown felt it was the original submission. Mr. Carpenter stated the original plan needed corrections, which were made, and it now needs a second analysis.

The Selectmen asked to verify if the Fire Chief has contacted Mr. Sherman, if not, the Administrator should contact him for an estimate of the cost to review the plan.

Chair Bonser requested to have a representative from the Fire Marshall's office in attendance at the meeting to answer any questions that come up that the Fire Chief might not be able to answer.

Appointments: 7:00 pm - Brian Lepine, Unified Energy; 7:15 pm - None; 7:30 pm - None

7:00 pm - Mr. Lepine reviewed his history as a power supply broker, which is a provider of the actual power used. Based on deregulation in New Hampshire PSNH became primarily a delivery agent of electric power and Mr. Lepine's company contracts with the power creators for a discounted selling price for group commercial pricing. The towns of Northwood, Strafford, Nottingham, in addition to the SAU schools, will bid for power together.

As the broker, there is a review of the power market for potential renegotiation of the power purchase with signing up for this type of service for the best possible savings. The company has software that verifies the amount of power used by the Town in comparison to what was billed and will contact PSNH for any needed corrections. The program allows for use of the data to plan for budgeting future energy costs.

Mr. Lepine stated with this type of agreement there is a one day signing period, which requires coordinating with all the entities to determine who can sign the contract on the day it is offered. The Selectmen agreed Mr. Brown could sign for the Selectmen, if they gave him the authority. Discussion took place about the contract needing a Municipal Funding clause, as a rule municipalities cannot sign agreements that are longer than one year.

Chair Bonser asked how Mr. Lepine's company makes a profit; Mr. Lepine stated it is by commission with the power company. Mr. Brown stated the process is similar to his negotiation with propane.

Mr. Lepine stated the price agreement from the suppliers will be for a specific length of time, 12, 18 or a recommended 24 months, and is a guarantee of the price being the same no matter how the power market changes. It was stated contracts longer than 24 months aren't recommended because of the possibility of getting into a long term contract and having prices drop.

Mr. Rafter asked if the intent was to sign all three towns and the school district at the same time and Mr. Lepine stated it was.

The Selectmen felt the process was worth while, and pending a positive company review, there was agreement to sign a potential contract.

Mr. Carpenter stated with this agreement the Town will never be without power; if the supply company fails, the contract will become invalid and power can be renegotiated with a new company or return to PSNH power.

Chair Bonser asked about the negative side of the contract. Mr. Lepine stated if a contract is signed at one price, the prices could drop and you would pay at the higher price. Mr. Lepine stated his company contract is all inclusive with no hidden charges; if significantly higher or lower amounts of power are used you only pay for the power used at the price agreed to.

Mr. Lepine stated he expects finalization of the contract process by January 28.

The Selectmen thanked Mr. Lepine for attending.

Representative Information: Representative Tasker stated he came early to see the Selectmen due to a conflict for the meeting on the 14th. It was stated the Legislative Services Request (LSR) was submitted to remove the specified language previously requested regarding large ground water withdrawal and any statute clarifications to the language can be established during the public hearing phase.

Representative Tasker stated the task for the Selectmen is to simplify the idea for the Legislative Committee to receive acceptance by the committee members. There was agreement with the

Selectmen about the groundwater being used by a commercial for profit entity; municipal sharing is acceptable.

Representative Tasker stated there are two paradigms: one where the state owns the water and you own what is under your feet; one foot beyond town borders is where the town loses control.

The Selectmen asked about other things happening at the Legislature. Representative Tasker stated guns are not allowed in the House Gallery any longer; there probably would be minimal effort for the Right to Work issue; and the selling of liquor in grocery stores were topics up for consideration.

Mr. Rafter asked if there was going to be a review of the downshifting of retirement funding for fire and police employees. Representative Tasker stated it is a complex problem and doesn't know if there is a re-funding bill but will check on it.

The Selectmen thanked Representative Tasker for attending.

Deed Waivers: Mr. Brown presented the list of properties for deed waivers and reviewed his reasons why the specified properties shouldn't be taken by the town: the properties are occupied, in significant disrepair, or are in bankruptcy. The change in the list also included those properties where payment has been received.

Mr. Brown stated he only had concern about a couple of properties, where the specifics of the property are unknown, or where the taxes are typically paid at the last minutes, and requested to review those properties at the next Selectmen meeting.

Motion: by Chair Bonser, second by Mr. Carpenter to waive the deed procedure for property located at 42 Deerfield Road, M52 L2 for 2009 taxes.

Vote: 3 - 0

Motion: by Mr. Rafter, second by Chair Bonser to waive the deed for property located at 104 Stevens Hill Road, M46 L6.

Vote: 3 - 0

Motion: by Mr. Carpenter, second by Mr. Rafter to waive the deed procedure for property located at 61 Freeman Hall Road, M13 L12.

Vote: 3 - 0

Motion: by Mr. Rafter, second by Mr. Carpenter to waive the deed for property located at Cedar Waters, M23 L2 S20.

Vote: 2 - 0 and Chair Bonser recused herself.

Motion: by Mr. Rafter, second by Mr. Carpenter to waive the deed for property located at Cedar Waters M23 L2 S18.

Vote: 2 - 0 and Chair Bonser recused herself.

Motion: by Chair Bonser, second by Mr. Carpenter to waive the deed for property located at 5A Haines Road, M16 L18 S3 2009 taxes.

Vote: 3 - 0

Motion: by Mr. Rafter, second by Mr. Carpenter to waive the deed for property located at Cedar Waters M23 L2 S114.

Vote: 2 - 0 and Chair Bonser recused herself.

Motion: by Mr. Rafter, second by Mr. Carpenter to waive the deed for property located at Cedar Waters M23 L2 S38.

Vote: 2 - 0 and Chair Bonser recused herself.

Motion: by Mr. Carpenter, second by Mr. Rafter to waive the deed for property located at 35 Kennard Road M13 L10 SD.

Vote: 3 - 0

Department Reviews: Mr. Brown had no reports to give.

2013 Final Budget Review: Mr. Brown stated a final agreement for salary increases needed to be made, once done tax amounts will be calculated.

Chair Bonser stated the 2% increase in salary given by the Selectmen is now being utilized for the additional 2% increase in Social Security and suggested giving the same 2% to Town Administrator Brown and Police Chief Foss, despite their agreement to receive no raise. Mr. Carpenter believed giving them the 2% was warranted and Mr. Rafter agreed in addition to the issue of a rising COLA.

Chair Bonser stated she has completed a further review of the police department salaries, in comparison to surrounding communities and believes there should be an attempt to increase salaries for some officers, in order to remain competitive. Discussion with Chief Foss agreed there should be an increase of approximately 6% for Officers Eaton and McKnight. Chair Bonser stated they are excellent officers and there should be an attempt to keep them; this was agreeable with the board.

Mr. Rafter asked about the calculation of FICA and gave an estimate of possible amount.

Mr. Brown asked about the funds for the 3rd fire fighter stating the budget amount includes the position for the full year salary, however prior discussion with the Selectmen have indicated the position may not be allowed.

Chair Bonser asked about the hiring of the second position and Mr. Brown stated he did not know. Discussion took place about the need for a 3rd fire fighter given that the Fire Department has operated for all of 2012 with mostly one position, and does it back up the suggestion for a third person. After discussion the decision was to plan on having a possible third fire fighter from June to December, if the position is deemed needed later in the year.

Motion: by Mr. Rafter, second by Mr. Carpenter to reduce the Fire Department Full Time salary line for the 3rd person for payment of six months.

Vote: 3 - 0

Mr. Carpenter stated the Fire Chief should work towards completing the hiring process of the 2nd fire fighter.

There was positive support of the new per diem fire fighter by Mr. Carpenter and Chair Bonser.

Mr. Rafter asked if the 2% increase in FICA was for employees or for employers and employees. It was stated this is a return to a previous tax amount.

Mr. Brown stated there will be a change in the amount for the General Government Buildings budget; based on the continuing repairs to the Dame building steeple, additional cost for repairs to the Grange Building; an estimate for repairs has been sought to complete the budget preparation.

Mr. Brown stated the Community Center heating line may need an increase, as the 2012 actual is closer to $20,000.00. The actual 2012 expenditures will be reviewed for comparison, which may cause the line to increase.

Mr. Brown reported the final insurance payment was received for the highway garage; the Solid Waste salary lines will be merged into one.

Mr. Carpenter asked about the number of employees and shifts available at the Recycle Center; Mr. Brown stated he believed it was four people for two days. Mr. Carpenter stated Mr. Cinfo reported the employees were unable to keep up with all tasks on the first Friday with only two staff members.

Chair Bonser stated if Friday's are busy there should be one additional part-time person. Mr. Carpenter stated there should be a total of 12 work shifts available per week, regardless of how those shifts are split between the three days they are open; three for Thursday, four for Friday and five for Saturday.

Mr. Carpenter stated there have been emails requesting alternating days of operation from a Thursday to a Tuesday; Mr. Cinfo stated the staff supports the Thursday through Saturday schedule.

Mr. Rafter stated he received the suggestion of having year round late hours on Thursday, giving citizens the ability to go to the center after work on a Thursday until 7:00 pm. The Selectmen agreed to let the existing schedule run for a few months to determine how it is working, for future changes if needed.

Mr. Carpenter stated he would like for the Selectmen to continue looking at the pay-as-you-throw program for a future change.

Mr. Brown stated he removed the change from the warrant articles for the re-organization of the Fire Department Fire Chief position. There have been no other changes made to the Warrant Articles and final work will begin on the budget for final review at the Budget Committee and all necessary forms.

Mr. Brown stated the abutters on the two roads being discontinued will be notified 14 days before Town Meeting; it was stated when a road is discontinued it is removing the road from the official lists and the Town no longer has an obligation to maintain it. Chair Bonser asked if a hearing would be necessary for discontinuing the roads; Mr. Brown would verify if a hearing is needed.

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 1/7/2013 manifest.

Vote: 3 - 0 in favor.

After School Program: Mr. Carpenter stated he is not ready to discuss the idea of the Recreation Department running the Nottingham School afterschool program. All Selectmen agreed to postpone the discussion until the January 14 meeting, giving them time to further review the financial and other documentation previously submitted.

Budget Committee Hearing: Mr. Carpenter stated the School Public Hearing will be Thursday at 7:00 pm. Mr. Brown stated a big change for the school will be the warrant article requesting a contingency fund of 2.5% of the prior year assessed valuation for an emergency contingency fund, which could amount to approximately $150,000.00. These funds would be removed from what is typically returned to help offset the next year tax rate.

Mr. Carpenter stated many municipalities have suggested proposing a 2% tax cap on the school budget and might be something to consider. Chair Bonser asked for further details about the tax cap and how it works with the teacher salary contracts.

USA Springs: Mr. Rafter asked if the response from the attorney regarding the Terninko/Danais proposal, which was in the negative, could be released to the public. Mr. Brown stated he would contact the attorney to determine if the letter could be released.

Chair Bonser objected to the release of the response letter from the attorney, without permission from the attorney.

ADJOURNMENT: Having no further business,

9:03 PM **Motion:** by Mr. Rafter, second by Mr. Carpenter to adjourn.

Vote: 3 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala