

Minutes
Nottingham Selectmen's Meeting
February 25, 2013

6:32 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, Susan Mooney, Celia Abrams, Kristen Lamb, Raelene Shipee-Rice, Kurt Hastings

OUTSTANDING MINUTES:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the minutes of the January 14, 2013 meeting as amended.

Vote: 3 - 0 in favor.

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the minutes of the January 28, 2013 meeting as amended.

Vote: 3 - 0 in favor.

MANIFEST SIGNATURE:

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the 2/25/13 manifest.

Vote: 3 - 0 in favor.

General Business and Department Reports:

Highway Department: Mr. Brown reported there was one minor traffic accident during the past weekend storm, a vehicle had been parked in the road and was struck by the plow.

Mr. Carpenter asked if the Highway Department employees were doing alright with the back to back storms. Mr. Brown stated he believed they are doing fine. Chair Bonser expressed appreciation for the job the Highway Department crew has done to keep the roads clear and in great condition during both snow storms, and the other Selectmen agreed.

Chair Bonser reported the Town of Nottingham has no bridges on the Red/Yellow Bridge Repair List, again to the work efforts of the Highway Department employees. Discussion took place about the condition of state bridges needing repairs, the possible change in the gas tax amount, and frequency of bridge inspections. Mr. Brown reported Nottingham had received financial assistance before when repairing Nottingham bridges; but it isn't available for the gravel pit bridge now.

Power Supply Contract: Mr. Brown reported Mr. Lepine called to indicate he is close to establishing power pricing amounts, the contract will include a section for a multi-year funding agreement, and asked who would sign the contract.

Mr. Carpenter stated he wanted the Selectmen to have the ability to review the contract before it needed to be signed.

Motion: by Chair Bonser, second by Mr. Carpenter to authorize Mr. Brown to sign the Power Supply contract, pending approval of the contract language by the Board of Selectmen.

Vote: 3-0 in favor.

Pawtuckaway Drawdown Changes: Chair Bonser asked if the Selectmen wanted to submit any additional information to NHDES about their planned drawdown changes at Pawtuckaway Lake, given the recent notice of closing of the public comment period; was the previously sent letter from Attorney Donovan enough or did the Selectmen want to submit any additional comments or concerns to NHDES?

Chair Bonser stated during the recent meeting at the Town Offices to review the results from the test pulses, Mr. Diers from NHDES was asked, and agreed, to provide the Town a copy of the

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report/plan prior to signature by the Commissioner of NHDES. Chair Bonser asked if the Selectmen should send a letter requesting to review the draft plan prior to signature and there was agreement. Ms. Wirkkala would request a copy of the information and resupply the original letter from Attorney Donovan to stress the Selectmen's concerns regarding the drawdown changes and request additional time to comment on the changed plan.

APPOINTMENTS: 7:00 pm: Moderator/Town Meeting Preparation, 7:15 pm: Conservation Commission, 7:30 pm: None

7:00 pm: Ms. MacKinnon stated she felt Town Meeting should go smoothly and asked to receive a copy of the signed warrant article prior to Town Meeting.

Mr. Brown reviewed that the Selectmen would review the warrant articles to determine who would move and second each article and a list of that information would be provided to the Moderator. It was stated the person who initiates the motion typically is the first to speak about the warrant article.

Ms. MacKinnon reviewed the material and information she received during Moderator training. Discussion took place about the single petition warrant article and it was stated if no one makes the motion, there wouldn't be a vote regarding the article. Ms. MacKinnon asked about the legality of the warrant article, stating she learned she isn't to discuss whether something is legal or not. The Selectmen decided they would address any concerns regarding the legality of the article and the ability of the Town to take action on the warrant article.

Mr. Rafter stated any warrant article could be contentious, but it didn't appear that there were any this year that would cause significant worry.

Mr. Carpenter stated the Town budget was almost level funded and shouldn't cause any problems.

Ms. MacKinnon asked about the possibility of needing to re-notice and continue Town Meeting. It was determined Ms. MacKinnon would request the school to schedule the gym for the following Saturday, just in case there was a need for more time. The Selectmen and Mr. Brown stated this has never happened in the past at any Town Meeting.

Ms. MacKinnon stated she might change the meeting rules of operation from what was printed in the Town Report, but she would verbally indicate the changes during Town Meeting.

Ms. MacKinnon stated during the Moderator training, they recommend having a Moderator Pro-tem in case the Moderator isn't available and/or Deputy Moderators if needed. Ms. MacKinnon would coordinate with the Town Clerk for the necessary ballots and boxes, and stated it was recommended to have an assistant Moderator to watch over the ballot boxes, as it wasn't a task for the Selectmen.

Mr. Rafter asked if the Voter ID laws would be in effect for the Town elections and Ms. MacKinnon stated they would be required for voting on Tuesday but not for Saturday Town Meeting.

Ms. MacKinnon stated a hard copy of the statutes and rules governing Town Meeting should be available at the meeting and Mr. Brown would bring a calculator. Police would be available for security, if necessary.

Mr. Brown reported there should be a review of any non-resident people who might speak to any of the warrant articles at the beginning of the meeting; the Town currently does not plan to have any non-residents speak. Chair Bonser stated the motion could be made during the time of the meeting and if there are changes before the meeting someone would let the Moderator know.

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85 Ms. MacKinnon stated typically the prior Town Meeting minutes are not approved, but it was
86 suggested to keep a copy of the audio. After discussion the decision was made to air Town Meeting
87 live on the local TV channel, if possible, but the meeting would be recorded either way.

88 Ms. MacKinnon asked about the motion for reconsideration and it was stated it has become habit to
89 make that motion.

90 Ms. MacKinnon asked if there was any additional advice. Chair Bonser suggested bringing a tall
91 stool to sit on, Mr. Carpenter stated the Moderator would receive support from the Selectmen, Mr.
92 Brown stated Town Meeting isn't a race and there should be time to review and discuss each of the
93 warrant articles; Chair Bonser stated the lunch break should be at 12:00 pm, Chair Bonser stated the
94 Moderator should verify the school janitor would be available for the day of the meeting.

95 Ms. MacKinnon requested assistance from the Selectmen to set up the space for Tuesday elections,
96 on Sunday at 2:00 pm; the booths and tables would be set up similarly to other election days.

97 **7:15 pm:** Ms. Mooney reviewed the progress and information that has taken place in the prior two
98 weeks for classes and alternatives to salt use. Ms. Mooney stated class dates haven't been selected
99 by UNH and it was stated Mr. Fernald was willing to attend classes, but after winter has ended.

100 Ms. Mooney and Ms. MacKinnon reported there were three open available positions to the Lamprey
101 River Advisory Committee (LRAC) and Chair Bonser requested information about the positions
102 and stated volunteers could be sought.

103 Ms. Mooney stated she has contacted NH DOT, and hasn't heard anything back yet, and additional
104 state officials can also be contacted to discuss alternatives for salt use and water quality issues.

105 Ms. Lamb asked if there were current standards or techniques used by the Highway Department and
106 Chair Bonser stated the department is very busy right now but would be able to provide information
107 if available.

108 Ms. Mooney stated she will request the link to the water quality study.

109 Mr. Rafter asked if road salt was the primary reason for the problem and the answer was that it was
110 a primary reason. Mr. Carpenter asked about the salt used as a water softener, as his empties into
111 the leach field. Chair Bonser stated the salt use as a water softener should have been reviewed for
112 inclusion in the study. Mr. Brown stated it is dug wells that are probably more affected by salt
113 versus artesian wells.

114 Ms. Shipee-Rice asked if there were any state or Nottingham standards about how much snow can
115 be on the roads and any legal requirements. Mr. Brown stated he doesn't believe there are any legal
116 standards and NHDOT had suggested in prior years that they wouldn't plow when there were low
117 snow expectations or in lesser traveled areas between the hours of 7:00 pm and 3:00 am, but there
118 were too many objections to the suggestions. Mr. Brown stated there are also no state standards for
119 the length of time plow drivers can be on the road, only individual community recommendations for
120 driver rest periods.

121 Chair Bonser stated the concern is that the roads must be cleared for the school buses.

122 It was decided the Conservation Commission would meet with the Selectmen again on March 25 at
123 7:00 pm.

124 **Commercial Water Withdrawal Hearing:** Chair Bonser reported the hearing for SB167 would be
125 on March 6 and would provide further information to the Selectmen if available.

126 **School Board/BOS Meeting:** Chair Bonser asked about the topics for discussion between the
127 Selectmen and the School Board.

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128 Mr. Carpenter stated the current School Board appears to be willing to have open dialogue between
129 the Town and School and working together.

130 Mr. Rafter asked if there were any positions for School Board members that appear contested and it
131 was stated there doesn't appear to be.

132 The Selectmen stated the topics they would like to review with the School Board would be to
133 continue a determination of school storage needs, community revitalization plan, planning for a
134 project with the students with a new park on the Lee property and if brought up discussion on the
135 before and after school programs.

136 Chair Bonser asked for an agenda as soon as possible.

137 Mr. Rafter stated the new Superintendent has been hired and Mr. Carpenter stated he believed he
138 would start in July.

139 **Discontinued Roads:** Mr. Hastings stated he had received his notice about the road closure and
140 asked why notice wasn't given sooner, what are the details and specifics that take place when a road
141 is discontinued and closed, and who are all the abutters.

142 Mr. Brown stated he heard from another abutter, Mr. Jack, and his concerns need further research.
143 Mr. Brown reviewed the history of the management of Winter Street and Gravel Pit Road, which
144 were unmaintained dirt roads, when plowing stopped, and that they were overlooked during the
145 1990's when the Town established their emergency lane list. Recent discussion continued with a
146 proposed sub-division, which can't take place on a private road without a variance. The research for
147 that possible sub-division plan determined Winter Street was an original Town Range Way.

148 Chair Bonser stated the problem came up when it was realized these roads were not considered
149 when the Town looked at road closures in the 1990's and it was stated there is the possibility of sub-
150 divisions by developers on roads that aren't really roads anymore and/or would need a right of way
151 to access the lots.

152 Mr. Hastings stated he was surprised about getting the letter and was concerned about the possible
153 liability to the owners with continued use of the road by the public. Mr. Brown stated the owners
154 have the ability to close and prevent the public from using the road and there shouldn't be any
155 impact or affect to Mr. Hastings with the closing. There may be other previously unknown issues,
156 and they will be reviewed prior to Town Meeting, before any decision is made.

157 Chair Bonser stated the rule has been the land is divided down the middle and given to each of the
158 abutters. Mr. Brown and Chair Bonser stated if there is a problem with abutters accessing their
159 parcels with the closure, the warrant article would be tabled.

160 Mr. Rafter stated the Town effectively abandoned the road years ago and this is the action they need
161 to take to make it legal.

162 **Lee Property Update:** Mr. Brown reported there are no recent progress changes; further contact
163 with the Attorney General's office must be scheduled to deliver the property survey and begin
164 discussion.

165 **National Healthcare Plan:** Chair Bonser asked to schedule a meeting with someone more
166 knowledgeable about the situation to review the potential changes and options for the Town for the
167 upcoming healthcare changes. Mr. Brown reported the Town doesn't have more than 50 employees
168 and it shouldn't be a problem, but concern was expressed about the change of how the number of
169 full time employees would be calculated.

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170 Chair Bonser stated full time is being changed from 40 hours to 30 hours and there are too many
171 concerns that should still be addressed. Any decisions that need to be considered must take place
172 during the next budget cycle in order to appropriately apply any needed changes by 2014.

173 Mr. Carpenter asked if this is a subject that could be reviewed during the April/May/June time
174 frame when things slow down to get ready for the budget cycle next year and there was agreement.

175 **NON-PUBLIC SESSION:**

176 **8:30 PM Motion:** by Mr. Carpenter, second by Mr. Rafter to enter non-public under RSA 91-A:3 II
177 (e).

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

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

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

181 **9:06 PM Motion:** by Chair Bonser, second by Mr. Rafter to exit non-public session.

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

183 The Selectmen didn't make any decisions during the non-public session.

184 **ADJOURNMENT:** Having no further business,

185 **9:07 PM Motion:** by Mr. Rafter, second by Mr. Carpenter to adjourn.

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

187 Respectfully Submitted,

188 Dawn Wirkkala