

**Minutes
Nottingham Selectmen's Meeting
December 16, 2013**

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

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

Others: Charles A. Brown – Town Administrator, Dawn Wirkkala – Secretary, Raelene Shippee-Rice, Celia Abrams, Kristen Lamb, Susan Mooney, Cheryl Smith, Charlene Anderson

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Chair Rafter to approve the December 16, 2013 manifest.

Vote: 2 – 0 in favor.

OUTSTANDING MINUTES: Chair Rafter postponed the approval of minutes until all board members would be present.

Town Administrator Reports, Signature Items:

Town Office: Mr. Brown stated the Tax Collector provided a preliminary deed list. Property taxes are being received and the County tax payment was made. PSNH has started to upgrade and change out light fixtures and light bulbs at town offices and will continue until all work is complete.

Mr. Brown expected the office to be slow during Christmas week.

Police Department: Mr. Brown reported the Police Chief has been sick, as have some of the patrol officers, but they are recovering. The new part-time person for the front desk has started and training is going well.

Highway Department: Mr. Brown stated the Highway staff has taken care of the roads during and after the previous Sunday storm. The cleanup work continues, and another storm is expected for Tuesday.

Library: Mr. Brown stated the Library called to ask about additional clean up plowing from the Highway Department, specifically the residual snow from the state plowing the main road.

Fire Department: Mr. Brown reminded the Selectmen of the Friday, December 20th meeting with the Fire Marshall at the Fire Department. Chair Rafter asked if a written response regarding the requested items has been received from Rymes, which was due within one week of the November 25th meeting. Mr. Brown reported an email requesting the information was sent after the December 9th meeting, but responses to the original requests or the follow-up email have not been received.

Mr. Brown and Mr. Carpenter stated they planned on attending the meeting with the Fire Marshall and were unsure if any additional Rymes personnel would also attend.

Mail/Correspondence/Sign Items: Mr. Brown reported copies of corrective action letters mailed to property owners with conservation easements have been received from the Conservation Commission asking for the Code Enforcement Officer to enforce the corrections. However there is concern about what actions can actually be taken; as there are no penalties that can be assessed. Property owners will need to correct the easement violations noticed by the Conservation Commission, such as a shed, vehicle trailers or downed trees being located on the property when it shouldn't be. General discussion took place about the easements and enforcement and Chair Rafter requested Mr. Colby to follow up on the requests.

Trust Fund Transfers: Mr. Brown reported end of the year transfers have been requested from the Trustee of the Trust Fund for the Tri-Centennial and the Cemetery Fund.

Motion: by Chair Rafter, second by Mr. Carpenter to approve the first installment payment of \$5,000.00 from the general fund to the Tri-Centennial Fund.

**Minutes
Nottingham Selectmen's Meeting
December 16, 2013**

Vote: 2 – 0 in favor.

Motion: by Chair Rafter, second by Mr. Carpenter to transfer \$5,420.64 from the Cemetery Fund to the general fund to pay for the 2013 cemetery expenditures.

Vote: 2 – 0 in favor.

Board of Selectmen Department/Board/Committee Reports:

Planning Board Meeting Report:

Chair Rafter stated the December 11th meeting included the presentation of a design review for a large sub-division proposal off Lake View Drive, which generated a large public turn out expressing concern about the plan. Two proposals were provided, one a traditional development and the other an open space plan, and the applicant is seeking the preferences of the Planning Board. The design is subject to change and concern was expressed about the road access, changing one road from a private road to a public road and included an additional connector road. A formal application has not yet been filed, but there is concern about what appears to be a large number of homes so close to the water. DES approval is still needed and additional information will be received as the applicant moves forward in the process.

The Board has scheduled a workshop for this Wednesday to review the proposed ordinance change suggestions from Mr. Mettee. Mr. Brown stated he has requested information from the Planning Board Secretary regarding ordinance changes to estimate the number of Warrant Articles and the information is currently unknown; there could be none, one or up to four Warrant Articles. Chair Rafter indicated there are three changes that appear to need less work and a fourth that will need more discussion.

Budget Committee: Mr. Carpenter reported the school presented their 2nd draft budget, with a proposed overall increase of 2%, without the warrant articles. The new SAU staff presented information thoroughly and completely, providing the applicable details when it was requested. The school is requesting a new curriculum coordinator position and there was a lot of discussion about why the position is important. Books are being requested as one large warrant article expense which will replace books that are approximately 10 years old and the School Board expressed they want to work on getting into a routine book replacement process to level out spending. Another warrant article will be for the purchase of approximately 75 laptops, or an equivalent technology, for a 1 to 1 use by the 8th grade students. Discussion also took place about the importance of the Capital Reserve fund because the school has some significant repairs and replacement purchases proposed. The School Board received preliminary information about processing their recyclable materials through the Recycle Center, eliminating a dumpster expense and gaining recyclable income.

APPOINTMENTS:

7:00 pm: Conservation Commission – Chair Rafter stated this is a continuation of the meeting from two weeks ago requesting additional information about the use of the fund. Mr. Carpenter stated he hoped to review a list that makes up the expected Conservation Commission proposal of \$1.2 million worth of projects. Ms. Mooney stated the committee met and reviewed the proposals to establish a more realistic expense amount.

Ms. Abrams stated a couple of projects have been eliminated due to lack of activity during the review. Work is actively taking place on The Crossings project and the Kennard property easement purchases as well as an additional five projects; which are in the very early discussion stages. Ms. Abrams stated copies of the projects could not be presented to the Board of Selectmen as the full

**Minutes
Nottingham Selectmen's Meeting
December 16, 2013**

committee hasn't discussed the changes or possible costs she has estimated. However, the committee did vote to commit \$362,500.00 for the seven projects, realizing there will be a variety of other funding sources which will require the Conservation Commission to provide matching funds ranging from 25% to 50%.

Mr. Carpenter asked what the estimated total amount would be to support the full cost of the seven projects. Ms. Lamb stated the total estimated value is \$1.2 million but the Conservation fund is to have available funding to secure the matching grants, essentially tripling the total value.

Ms. Abrams stated the Conservation Commission is purchasing the development rights and not the actual property. Chair Rafter stated based on the information provided there is an expectation of needing 1/3 of the total funds and the remaining amount coming from grant funds. It was stated the amount of matching funds is unknown and there is the assumption that the \$362,000.00 will not be enough.

Chair Rafter asked about how positive the landowners are to committing their property to the conservation program. Ms. Mooney stated there is 70% to 80% confidence the landowners are committing their property. Ms. Abrams stated some of the purchases are based on being able to receive additional grants.

General discussion took place about both federal and NH grants available and what is being applied for the each project. While in some cases an application for grant can be denied in a current round of funding, there is sometimes encouragement to apply for the funding again, such for the Falzone/The Crossing project.

Ms. Abrams stated there is an approximate 360 acres being sought for conservation. Mr. Carpenter asked if there is an expected date range for purchases and if the committee can establish a timeline for each of the projects. It was stated the committee could not talk about the specifics of the secret projects because it is considered a negotiation and the full committee hasn't discussed all the aspects of the proposed projects.

Ms. Shippee-Rice asked the Selectmen why the timeline is important to know because some of the funding is federal, and the ability to get funds can change quickly.

Mr. Carpenter stated he wants to understand the project commitments being requested, when the Conservation funds might be needed and the possible amount of LUCT and when it will become available to help fund the projects; do the Selectmen need to consider alternate action to fund the projects, all while balancing the other needs of the Town and trying to keep property taxes down. How can the Selectmen determine what action to take without understanding the quantitative argument versus what can be considered an emotional qualitative argument, from a financial aspect? Ms. Smith stated conservation is an emotional argument, because people feel specific ways about the conservation program.

Ms. Lamb stated the Conservation Commission would agree to have the quantitative discussion, and it can be shown how conservation land helps the general fund, but the Selectmen aren't asking the right questions; it's not a timing question.

Discussion took place about possible timing needed to complete proposed projects, which from start to finish could take an approximate three years. The Conservation Commission could commit to one project but turn down others because the total funds for action on both projects wouldn't be available. Having more funds allows the Conservation Commission to pursue more projects and the discussion is a qualitative discussion; it is about the quality of life.

**Minutes
Nottingham Selectmen's Meeting
December 16, 2013**

Mr. Carpenter stated he agrees with Conservation about its importance and how it helps to temper growth and the need for municipal services. Mr. Carpenter stated the Conservation Commission feels more secure about some of the projects because they feel the possible additional funding options will be available.

Discussion took place about recent LUCT transactions, recent law changes which has reduced the potential amount received with cluster developments.

Chair Rafter stated warrant articles were presented in the past to change the structure and amount of the LUCT going into the Conservation Fund and they have been voted down.

Mr. Carpenter asked if the Selectmen should consider supporting a capital reserve fund to make sure the proposed projects are financially supported, can an argument be presented to support the buying and conserving of property/easements, the Commission being able to fully explain and justify the reasons for what is being requested and the amount needed. Mr. Brown stated there possibly may be a need for financially supporting some of the projects because the Conservation Funds may not be enough. The Conservation committee members agreed to the idea.

Chair Rafter stated if the Conservation Fund had a large amount of money, there would be an ability to purchase whatever is desired, but there is the question of where the money comes from. If a project is proposed and funds are needed it should be presented and voted on at Town Meeting; when the Town was asked to consider funding Mulligan Forest it was supported by a large number of citizens

Mr. Carpenter asked about the Four General's Greenway. The members stated it is a large group of contiguous blocks of land near and around Pawtuckaway Lake that fall within the area of multiple towns; preserving large tracts making them available for activities such as recreation, water resources, hunting, nature, and forestry.

Discussion took place about how the Commission wanted to purchase recently sub-divided property and was unable to because the funds weren't available. The statement was made that if Conservation had been able to successfully purchase the development rights for an easement, it is possible there would have been less action and payable hours needed for the Land Use/Planning Board Clerk and the Planning Board wouldn't have needed additional board meetings. Mr. Carpenter asked why a bond to complete that transaction wasn't requested and committee members stated they didn't believe it would be a supported project and the Mulligan Forest project had received support only two years before.

Ms. Abrams stated the Conservation Commission doesn't want to appear reluctant in providing information only wants to be conservative and provide accurate information. Ms. Mooney stated more information would become available as the Commission seeks to hold the required public hearings for purchase consideration.

The Conservation Commission members asked the Selectmen to act on the Kennard Road property easement for \$12,500.00 and the Selectmen stated they would take action on the request.

Ms. Mooney stated the Commission has a couple of projects that shouldn't be lost and could be considered with a capital reserve account. Mr. Carpenter stated he would be willing to support a capital reserve account, but before he does, he wants the Conservation Commission to provide a better understanding and more details about the projects being considered. A general understanding is that there are five projects with a closing deadline of three to five years, which does not leave open any other potential options on properties or easements that could randomly come up.

**Minutes
Nottingham Selectmen's Meeting
December 16, 2013**

Discussion took place about the USA Springs property, which is currently listed for sale and the potential activity that could take place with it.

Chair Rafter asked if there are any action items for the Selectmen or Conservation Commission. Mr. Carpenter stated he will continue to ask questions and learn about the process but he will not seek further conversation about capping the amount going into the Conservation Fund.

The Selectmen thanked the members of the Conservation Commission for attending.

General Business:

2014 Budget Discussion – Chair Rafter asked to receive supporting documentation from the Fire Chief about the warrant article for a new boat; what type of boat and what is the available reliability on the Marine Patrol to help determine if getting a boat should be considered a critical need.

Mr. Carpenter asked if impact fees could be used to purchase a new boat. Mr. Brown reported impact fees can only be used for new equipment only, they cannot be used for replacement equipment; the Fire Department already has a boat. Mr. Carpenter asked if the school also has restrictions with spending funds collected from impact fees. Mr. Brown stated spending of impact fees is defined in statute and he isn't sure about school spending. Mr. Carpenter asked if the structure of the impact fee spending could be re-written to include replacement equipment and to get the total amount of money available in the impact fee account.

Chair Rafter stated additional discussion and finalizing any budget issues can be decided on at the December 30th meeting. Mr. Brown stated encumbrances will also be reviewed and voted on at that meeting.

Mr. Brown stated he continues to review the 2014 Budget proposals as well as the 2013 expenditures; there is no expectation of over spending the 2013 budgeted amount.

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

8:20 PM Motion: Chair Rafter, second Mr. Carpenter to enter non-public under RSA 91-A:3 II(a).

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

Motion: by Mr. Carpenter, second by Chair Rafter to exit the non-public session at 8:35 pm.

Vote: 2 – 0 in favor.

Motion: Mr. Carpenter, second Chair Rafter to seal the non-public minutes of December 16, 2013.

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

The Selectmen reviewed the Town Administrator Contract and discussed another personnel matter during the non-public session.

ADJOURNMENT: Having no further business,

8:36 PM **Motion:** by Mr. Carpenter, second by Chair Rafter to adjourn.

Vote: 2 – 0 in favor.

Respectfully Submitted,

Dawn Wirkkala