

**Minutes
Nottingham Selectmen's Meeting
January 13, 2014**

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

Members Present: Hal Rafter, Mark Carpenter and Mary Bonser

Others: Charles A. Brown – Town Administrator, Dawn Wirkkala – Secretary, Peter White

MANIFEST SIGNATURE:

Motion: by Ms. Bonser, second by Mr. Carpenter to approve the January 13, 2013 manifest.

Vote: 3 – 0 in favor.

OUTSTANDING MINUTES: Chair Rafter postponed the approval of minutes.

Town Administrator Reports, Signature Items:

Police Department: Mr. Brown stated the Police Chief reported the Rockingham County Attorney's Office is requesting additional funding for administrative and mileage expenses, which they indicate should have been paid in previous years but was not. Rockingham County has not been able to thoroughly explain the methodology for the fees and the Chief is seeking more details; however it appears to be a similar amount for like size towns rather than for actual hours of service provided. Chief Foss will continue asking questions to get more details.

Chief Foss has met with other local Police Chief's to discuss the possible option of dividing the costs to hire an attorney that will provide prosecutor duties specifically to all the towns who participate. A couple of meetings and interviews have taken place and he will continue reviewing all the options. Chief Foss has requested an additional \$6,000.00 for the Rockingham County Attorney's office as an initial estimate.

Fire Department: Mr. Brown stated he has requested information from the Fire Chief to clarify the process about moving forward with the Rymes/Fernald building permit request.

Ms. Casluh Chamberlain submitted her resignation; she will be starting a new job with the Town of Hooksett. The Selectmen wished her well and the search for a new employee will begin again.

Highway Department: Mr. Brown reported there was an accident in the new truck, staff was not hurt, the truck remains in service at this time, and he is waiting for the repair estimate and repairs to be scheduled. The truck slid on ice and hit a telephone pole; a bill is also expected for the pole replacement.

Old Town Hall: Mr. Brown reported the roof repairs were taking place and the chimney collapsed, and repairs have been scheduled. In addition, the new moisture barrier should help with the dampness issues.

Recycle Center: Mr. Brown stated the broken water pipe has been repaired.

Mail/Correspondence/Sign Items: Mr. Brown reported a replacement bond for a cell tower on Route 4 has been received; it is just a change of company name. Mr. Brown asked the Selectmen for authority to sign the new bond paperwork.

Ms. Bonser asked if town counsel should review the agreement or if a comparison between the old bond and new bond could take place to determine if any additional changes were included. Mr. Brown stated the two documents can be reviewed for comparison, but it should only be a name change of the holding company.

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Motion: by Mr. Carpenter, second by Ms. Bonser approve the request to transfer the cell tower bonding and to authorize Chair Rafter to sign the replacement bond paperwork.

Vote: 3 – 0 in favor.

Rymes/Fernald Building Permit: Mr. Brown stated he had a conversation with town counsel regarding the building permit process. Information is expected from the Building Inspector and the Fire Chief, but to make sure the process is completed correctly a recommendation was made to review their information with the Town's Fire Safety Engineer. Mr. Carpenter confirmed that the Town has not received a response from Rymes for the requested additional documentation. Chair Rafter asked to have town counsel review information before it is distributed to all the parties. Mr. Brown agreed to do so but he would request Attorney Donovan to review the material.

Road Discontinuance: Mr. Brown stated he discussed discontinuing Gravel Pit Road and Winter Street with the town attorney and the recommendation was to leave the road classification alone. Discontinuing the roads could mean a possible complication with property access for some owners, leading to possible liability of the Town.

After discussion the Selectmen requested removing the two warrant articles regarding discontinuance from the 2014 warrant.

Future Agenda: Ms. Bonser asked about the date of the Recycle Center Fee hearing. Ms. Wirkkala requested a change to the February 10th Selectmen Meeting but the change would require a meeting with Ms. Horvath to be moved to another day. Ms. Bonser, and the other Selectmen, agreed to the change.

The Selectmen requested to meet with the Conservation Commission in a non-public session on April 21, 2014.

Board of Selectmen Department/Board/Committee Reports:

Budget Committee: Mr. Carpenter reported the Budget Committee was presented with the final draft of the School Budget and the School Budget Public Hearing will be Wednesday, January 15. Mr. Carpenter stated he is unable to attend the final presentation of the Town budget on January 23rd and asked for one of the other Selectmen to take his place.

After discussion it was determined one or both of the other Selectmen would be in attendance and one would sit in for Mr. Carpenter.

Recycle Center: Mr. Carpenter stated he visited the Recycle Center and had an opportunity to talk with Mr. Cinfo and their becoming busier on Saturdays. Mr. Carpenter agreed to volunteer to work on a Saturday and learn more about what goes on at the Recycle Center. Mr. Cinfo was asked if closing the Swap Shop would help the work flow on Saturday and Mr. Cinfo indicated it would not.

Mr. Cinfo did state he was disappointed to see a large quantity of wrapping paper and wrapping paper tubes in the trash and when people were approached they indicated they didn't know it was to be recycled. The Selectmen reminded everyone Nottingham recycles all types of mixed paper; no paper products should be thrown away.

Mr. Carpenter stated he provided an article for the upcoming Nottingham Newsletter and also posted it on the public Nottingham Facebook page, which has created a lot of positive and informative discussion and clarification regarding trash and recycling.

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Planning Board:

Ms. Bonser stated she had an opportunity to review the minutes from the prior Planning Board meeting and found that Chair Rafter chose to abstain from the vote regarding the Open Space ordinance change, which is not how the full Board of Selectmen chose to respond. Ms. Bonser asked Chair Rafter to resign his position on the Planning Board. Chair Rafter stated he felt it was too late in the year and not a feasible suggestion. Mr. Carpenter stated he did not agree to the resignation.

Chair Rafter stated he has voted the way the Board of Selectmen had requested in the past and did not vote against the recommendation of the Selectboard in this matter, only abstained from the vote.

Discussion took place about prior conversations and the agreement with Selectmen to vote on issues per the recommendation of the full board, even when the individual personal opinion is the opposite.

Chair Rafter indicated the public hearing regarding the Open Space ordinance changes will be held on Tuesday, January 21st at 7:00 pm and there will also be the regular Planning Board meeting after the hearing.

APPOINTMENTS:

7:15 pm: Peter White/Petition Warrant Article: Mr. White reviewed his petition warrant article, indicating it is response to a recent Supreme Court decision indicating that Corporations, PACS and Super PACS are considered entities. Many citizens have expressed the feeling that the original intent of "entity" was to be people naturally born. The goal of the statement is to try and prevent large corporate money from influencing elections and ultimately how Congress votes. The goal is to have multiple municipalities pass the resolution requesting the state legislature vote on this issue and there is also HB303 which is to create a study committee regarding the issue.

Mr. Carpenter and Chair Rafter signed the petition warrant article. Ms. Bonser stated she has some concern and reservation because not all Corporations are bad; there are a number of not for profit corporations doing good work. Mr. White stated the movement isn't an anti-corporation movement, only to remove corporate money from the election process.

Ms. Bonser stated she doesn't feel this is the method to make the corrective action being sought, but believes enforcement and correction should take place with the US Constitution, Amendment 17; there should be a change to fix the actual problem and not find an alternate solution.

Mr. White stated the change ultimately needs to come from the silent public majority and also remove corporate money from the election process; 95% of all elections are won by the people spending the most money. The goal is to get special interest money out of the pockets of Congress and the election process.

Mr. Brown stated if there is an amendment to the Federal Constitution it must be ratified by the States and this process might help further the cause.

Chair Rafter suggested putting an article into the newsletter. The Selectmen thanked Mr. White for his efforts and for attending.

General Business:

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2014 Budget Discussion – Mr. Brown stated the Fire Chief was disappointed regarding denial of his requested encumbrances and asked to discuss the matter. Chief Vilchock also requested adding \$5,200.00 for radio repair in the proposed 2014 budget. Mr. Brown stated he has previously stated, to all Department Heads, his disagreement with waiting until the last week of the year to take care of regular purchase or repairs.

Mr. Brown stated Chief Foss is requesting further documentation regarding the additionally requested administrative fees from the Rockingham County Attorney's Office, and he has also been requested to sign the provided contract, which was requested by mid-January. Chief Foss indicated he will not sign the contract until all information is received; the regular contract agreement for 2013 provides coverage through to March 2014. General discussion took place about the services provided by the County Attorney, asking how many hours of service they actually provide to Nottingham, whether it is more cost effective to have a private attorney or continue using the County Attorney and whether the Town might receive better service with a private attorney. There was disappointment about receiving an additional request for funds due to a possible oversight so late in the budget process as well as the expectation of immediate payment.

Ms. Bonser asked if there is a final budget amount. Mr. Brown stated he would be able to provide a more accurate amount by the end of this week. Discussion took place about possible additional changes, including the Fire Department Salary and Overtime Salary line.

Chair Rafter asked to receive an updated copy of the budget and Ms. Bonser requested a clean copy of the warrant articles before the January 23rd Budget Committee Meeting.

Ms. Bonser asked if an additional Selectmen Budget Workshop would be needed and Mr. Brown stated one might be needed.

LGC Legal Assistance: Mr. Brown presented an updated letter listing those individuals who are authorized to seek legal opinion from the NH Municipal Association. This letter is submitted periodically, as staff and board members change, allowing only those authorized to request information.

Motion: by Ms. Bonser, second by Mr. Carpenter to sign the NHMA letter authorizing the various Chairs and Department employees to seek legal opinions.

Vote: 3 – 0 in favor.

Deed Waivers: Mr. Brown presented the list of deed waivers to the Selectmen, stating the Selectmen must make motions by tonight, prior to the actual deed date.

Ms. Bonser recused herself from the first three deed waiver motions and votes, as they were properties located within her property, Cedar Waters.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 23 Lot 2 Sub 38.

Vote: 2 – 0 in favor.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 23 Lot 2 Sub 10.

Vote: 2 – 0 in favor.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 23 Lot 2 Sub 18.

Vote: 2 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 16 Lot 3.

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Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 61 Lot 13.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 1 Lot 1.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 63 Lot 5.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Chair Rafter to waive the deed for Map 24 Lot 141 Sub 2.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 23 Lot 7.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 8 Lot 10 Sub 5.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 15 Lot 9.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 13 Lot 12.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 57 Lot 2 Sub BLDG

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 3 Lot 11 Sub 6.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 42 Lot 15.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 37 Lot 15.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 46 Lot 6.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 15 Lot 9.

Vote: 3 – 0 in favor.

Motion: Mr. Carpenter, second by Ms. Bonser to waive the deed for Map 10 Lot 8.

Vote: 3 – 0 in favor.

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

8:08 PM Motion: Chair Rafter, second Ms. Bonser to enter non-public under RSA 91-A:3 II(a).

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

Motion: Mr. Carpenter, second Chair Rafter to exit the non-public session at 8:49 pm.

Vote: 3 – 0 in favor.

Motion: Ms. Bonser, second Mr. Carpenter to seal the non-public minutes of January 13, 2014.

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

The Selectmen discussed the Town Administrator Evaluation, which would be presented in a non-public session during the next Selectmen Meeting.

ADJOURNMENT: Having no further business,

8:50 PM **Motion:** by Mr. Carpenter, second by Ms. Bonser to adjourn.

Vote: 3 – 0 in favor.

Respectfully Submitted,

Dawn Wirkkala