

Minutes
Nottingham Select Board Meeting
February 25, 2019

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

Members Present: Donna Danis, Charlene Andersen, Anthony Dumas, Benjamin Bartlett

Absent: Tiler Eaton

Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, David Dearborn, Mike & Barb Hyer, Dabora McLaughlin, Diane Lapite, David Salera, Tom Duffy, Marianne Ernst, Rae Christy, Susan Ernst, Robert Hill, John Terninko, Bill Scimone, Peter White, Par Alger, Judy Doughty, Joe Capobianco, Roni Myers, Marguerite & Mark Wageling, Kathryn & Roger Friedman, Patricia Farrington, Victor Maslov, Ryan Melchionno, James Robinson, Robert Weygant, Cheryl LeBlanc, Dee Decker, Jeff & Sue Paradis, Robert Claxton, Andrew Martin, Pam Kelly, Tom Hull, Susan Medeiros, Bonnie Winona, Lisa Carey, John Morin

Approval of Manifest:

Motion: by Mr. Dumas, second by Ms. Andersen to approve the February 25, 2019 accounts payable and February 26, 2019 payroll manifests.

Vote: 4 – 0 in favor.

Approval of Minutes:

Motion: by Mr. Dumas, second by Mr. Bartlett to approve the public minutes of the January 28, 2019 meeting as amended/written.

Vote: 5 – 0 in favor.

Select Board Department/Board/Committee Reports:

Budget: The committee is done for the season.

Planning: The board will meet on Wednesday, February 27th. The last board meeting was the public hearing for recommended ordinance changes and no one from the public attended.

Master Plan Subcommittee: The committee met with the Recreation Director and there will be a consideration and recommendations for an addition for a Recreation Chapter. The next meeting is scheduled for March 4th.

Town Administrator Reports, Mail, Signature Items:

Police: Chief Vilchok is considering a new hire in anticipation of his attendance to the next NH State Police Academy.

Recreation: Vacation Camp is this week with approximately 20 students attending.

Election: The board will review Town Meeting presentation schedule later in the meeting.

Election Day is Tuesday, March 12 from 8 am to 7 pm and will continue with Town Meeting on Saturday, March 16th. Saturday registrations will start at 8:30 am.

Highway: The Road Management study is almost ready to complete and can be reviewed at the March 11th meeting.

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Appointments:

6:45 pm: Mr. James Kelly met with the board regarding his appointment as an Alternate Library Trustee, reviewing his background and why he was interested in becoming a trustee. As a writer he looks forward to working with the library with some of their more recent changes to keep up with technology.

Chair Danis reported she knows Mr. Kelly and is comfortable with his becoming a trustee.

Ms. Andersen asked if Mr. Kelly was already volunteering at the library. Mr. Kelley stated he has volunteered at the library.

Motion: by Ms. Andersen to appoint Mr. James Kelley as the Alternate Library Trustee. Second by Mr. Dumas.

Vote: 4 – 0 in favor.

7:00 pm: Mr. Terninko, Mr. Scimone, and Ms. Doughty reviewed the purpose of the Freedom from Chemical Trespass Rights-Based Ordinance (RBO).

Ms. Andersen asked to further clarify at Town Meeting if the ordinance is meant to be specific to both private corporations and the local town government. As an example, does the policy extend to the town which has an underground gas tank that accidentally leaks into the ground? Also, specifically would the town be liable with the recent finding of PFAS chemicals at the old landfill, which has an unknown reason.

Ms. Andersen suggested further clarification and explanation of the proposed ordinance to try and help people understand exactly what is intended with the ordinance. This ordinance was presented at the March 2018 Town Meeting and didn't pass because many didn't understand. Mr. Terninko stated the ordinance was changed after the 2018 presentation to try and help clarify what is wanted.

Mr. Scimone stated the RBO is an attempt for preventative action from chemical contamination and for Nottingham to make sure they don't consider development that might endanger the water supply in Nottingham.

Mr. Bartlett expressed his concern that there isn't enough time to be able to present the information to the public for better understanding of the ordinance.

Mr. Scimone stated the committee will have a public meeting on February 26 regarding the proposed ordinance that would air on Comcast Channel 22 and will also re-air on Channel 22 and YouTube.

It was stated the proposed ordinance is available for review on the town website on the 2019 Town Meeting documents page.

7:15 pm: Moderator Bonnie Winona and the board reviewed the process for Town Meeting. It was stated Mr. Hadik, Budget Committee Chair, would present the budget and defer to the Select Board and Mr. Sterndale for any needed specifics.

Ms. Winona updated the board on recent law changes, which include speakers presenting their voter card. The board approved the Moderator request to purchase timers.

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The board and Moderator discussed food options for Town Election day and the board agreed to purchase some food items for working election staff on Tuesday.

Ms. Andersen asked to limit the Moderator presentations at the beginning of the meeting, as there are a lot of warrant articles and it is going to be a very long day. The Select Board and the Moderator agreed that citizen are able to speak about the specific warrant articles and won't be allowed to speak on topics not on the warrant or presented during the Budget Committee Public Hearing.

The Select Board expressed their thought that there would be several secret ballot requests.

7:30 pm: Public Hearing Eliminating the Board of Assessors. Chair Danis opened the public hearing regarding the Elimination of the Board of Assessors. Mr. Morin, Chair of the Board of Assessors, reviewed the history of the Board of Assessors, and in recent years the board has had difficulty finding citizens to serve as members, and it is also becoming more difficult to even get a meeting quorum when meetings are scheduled. The current BOA members support eliminating the BOA and returning the duties back to the BOS.

This article will be on the ballot for the Tuesday, March 12 vote and if approved would take effect in March 2020. However, there are no candidates for the BOA on the March 12, 2019 vote and there is nothing in the law preventing the BOS to appointing their own board members to the BOA.

Motion: by Ms. Andersen to close the public hearing to eliminate the board of assessors. Second by Mr. Dumas.

Vote: 4 – 0 in favor.

General Business:

Emergency Lane Designation Policy: Chair Danis stated the board asked for Mr. Sterndale to present possible revisions to the Emergency Lane Policy based on the previously received questions and comments from the board. The board will continue their review of the policy and how the process should continue at future meetings. The board is willing to hear questions specific to the policy, with a time limit of 15 to 20 minutes.

Mr. Sterndale reviewed that the board determined the original policy appeared incomplete and was missing needed information and requirements. The board will need to make some decisions about how they wanted to move forward in considering changes to the policy and what roads should be considered under the policy, such as other Class XI roads. The statute provides the board with the ability to determine what is going to be considered maintenance on roads, such as minimal work to only allow for emergency access, to snow plowing only, or even additional work. The board can also review the policy and practice of surrounding towns.

The board was asked to consider if they wanted any additional information in the policy and would provide any specific details to Mr. Sterndale. Ms. Andersen asked for additional clarification on the procedure section and some type of documentation that provides specifics to the road criteria for consistency.

Mr. Dumas asked for more details about what is needed from the road owners.

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115 Mr. Bartlett agreed with the road requirements and being specific about what is considered an EL
116 and road widths. He also agrees with getting further clarification from NHMA.

117 Mr. Dumas asked if there is a road standard for ROW access for public safety.

118 The board determined they would discuss the additional recommendations at their March 25th
119 meeting.

120 Chair Danis opened up the meeting for public comments that are specific to the policy.

121 Ms. Pamela Kelly asked the board if the town has requested any legal opinion regarding an
122 implied acceptance of the Emergency Lane roads by the town by virtue of their providing
123 maintenance on the roads by the town for decades.

124 Mr. Sterndale reported a legal opinion was requested and received regarding implied acceptance
125 when the board met with legal counsel. The town attorney expressed that the town has very little
126 liability with implied acceptance in regards to Emergency Lanes.

127 Mr. White asked if a sub-committee could be created to help work through the process regarding
128 road maintenance and what is the town doing about hiring for the Road Agent position. Ms.
129 Andersen stated since the creation of the policy it was the recommendation of prior boards to
130 periodically review the policy. Mr. Dumas stated the public has been invited to be part of the
131 process by attending public meetings.

132 Mr. Scimone asked if the board had a timeframe of when the processes might be concluded.
133 Chair Danis stated the board does not have a current timeline for final resolution.

134 **Town Meeting Prep:** The Select Board discussed who would present, motion and second each
135 of the town warrant articles at Town Meeting, as well as those articles they would discuss in
136 more detail.

137 Discussion took place about possible amendments to warrant articles during Town Meeting.

138 **Motion:** by Mr. Dumas that the Select Board make a suggested amendment to warrant article
139 #24 at town meeting. Second by Mr. Bartlett.

140 **Vote:** 4 – 0 in favor.

141 The board reviewed their availability to be present during Town Meeting. Chair Danis would
142 not be available during the day, Ms. Andersen would be available at the end of the day, Mr.
143 Dumas and Mr. Bartlett would be available all day, and Mr. Eaton would be available when he
144 could.

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

146 **8:32 PM Motion:** Motion by Mr. Dumas, second by Mr. Bartlett to enter non-public under RSA
147 91-A:3 II(a) and (b).

148 **Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

149 **9:00 PM Motion:** Mr. Dumas, second by Mr. Bartlett to exit the non-public session.

150 **Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

151 **Motion:** Mr. Dumas, second by Mr. Bartlett to seal the non-public minutes of February 25, 2019.

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152 **Roll Call Vote:** Danis – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 4 – 0 in favor.

153 The Selectmen made no decisions during their nonpublic session.

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

155 9:02 **PM Motion:** by Mr. Dumas, second by Mr. Bartlett to adjourn.

156 **Vote:** 5 – 0 in favor.

157 Respectfully Submitted,

158 Dawn Calley-Murdough