

**Minutes**  
**Nottingham Select Board Meeting**  
**March 12, 2018**

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

Members Present: Donna Danis, Tiler Eaton, Charlene Andersen, Charles Brown, Anthony Dumas

Others: Town Administrator Chris Sterndale, Bonnie Winona MacKinnon, John Morin, John Decker, Michael Coltin, Dee Ann Decker,

**Approval of Manifest:**

**Motion:** by Mr. Dumas, second by Ms. Andersen to approve the March 12, 2018 accounts payable and March 13, 2018 payroll manifests.

**Vote:** 3 in favor. 2 abstain

**Approval of Minutes:**

**Motion:** by Ms. Andersen to approve the Select Board public minutes and non-public minutes of February 26, 2018 as amended. Second by Mr. Dumas.

**Vote:** 4 in favor. 1 abstained.

**Select Board Department/Board/Committee Reports:**

Budget: None

Planning: None

CIP: None

300<sup>th</sup>: Mr. Brown stated he had no new information to report and the committee would meet on March 29<sup>th</sup> at 7:00 pm at the Community Center.

**Town Administrator Reports, Mail, Signature Items:**

Solar Installation: The installation has started at the Fire Station, there have been a couple of delays with weather but they will be finished soon, and there is an expectation to have them start work at the town office in the next couple of weeks.

2017 Town Reports: Are available at a variety of locations, including the town offices, post offices, and library.

**General Business:**

Town Meeting Prep: The Select Board and Moderator reviewed the Town Election attendance and expected processes and additional information to prepare for Town Meeting.

Ms. Winona MacKinnon stated because of disagreement in the past about the need to have a quorum of the Select Board at Town Election, she contacted the Attorney General's office to determine if a quorum is needed. The Attorney General indicated a quorum is needed at Town Election, per RSA 669:25, just as with General Elections. Ms. Winona MacKinnon asked to have her written statement included with the minutes in an effort to remind the Select Board of their responsibilities. Mr. Sterndale asked to receive a copy of the letter electronically. The Select Board did not have any questions.

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Ms. Winona MacKinnon answered a question regarding Select Board attendance at the testing of the voting machine, stating the board isn't required to attend. However, the board would be notified of any tampering of the voting machine. Ms. Winona MacKinnon stated she believes the Moderator should be required to participate in the testing as participation provides a better understanding and familiarity of the machine. There is effort to increase the confidence in the election process and better understanding of the equipment could help. Chair Danis asked if there would be an increase in billable hours from the election workers to attend the machine testing. Ms. Winona MacKinnon and Ms. Decker stated there are billable hours submitted for testing of the machine.

Ms. Winona MacKinnon stated information has been received from many state agencies indicating the town does not have the authority to reschedule elections, and expressed concern about how well Route 152 is plowed. Ms. Winona MacKinnon asked the Town Administrator to contact the State Highway Department to try and increase the amount of plowing that takes place; she also called the Governor's hotline to also ask for an increase in plowing.

Chair Danis asked about the reasons for the Secretary of the State to continue with elections in such bad weather, especially when she is seeing schools and businesses close and the Governor recommending that people stay off the roads. Ms. Winona MacKinnon stated she isn't sure of the of any specific reasons Secretary Gardner won't postpone elections, although he has expressed the thought that he does not believe there is statutory authority to do so; it could be a power issue. The postponement of the prior year election provided mixed messages, with differing opinions between the Secretary of State's Office and the Attorney General's office about the definition of the law that provides that the Moderator can postpone an election. Ms. Winona MacKinnon stated the Secretary of State's Office down played the storm for March 13<sup>th</sup> when she called them.

Citizen were asked to reach out to their legislators with their concerns about holding elections in bad weather conditions, especially with the recent proposed legislation to give the authority to the Secretary of the State alone. The Select Board and Moderator agreed there does not appear to be a valid rational that the Secretary of State should have the only authority to make a decision for all communities when he doesn't know the individual circumstances of each town, and it is disturbing to see specific legislation to try and remove the authority from the Moderator.

Discussion took place about a possible need to appoint a pro-temp Selectman, and it was stated each board member could choose to appoint a pro-temp person if they deemed it necessary. It was stated anyone on the ballot is unable to touch the ballots, but they are able to participate throughout the Election Day; they shouldn't touch the completed ballots or the ballot machine.

The board answered that they have already established who would motion and second each warrant article during town meeting, along with the individuals who would speak to each warrant article. A review of materials that would be available during Town Meeting took place. General discussion took place about Town Meeting activities.

The Select Board thanked the Moderator for attending.

After their 7:00 pm appointment the Select Board reviewed their availability to be in attendance at the election on March 13, 2018. There would be at least three members available throughout the entire day.

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The board discussed possible scenarios about possible amendment for the warrant articles and process about whether or not article pass with the voters.

It was stated that discussion can take place about whether or not to pave Ledge Farm road as part of Warrant Article #2, in addition to raising a bon, as separate topics. However, if a 2/3 majority vote is not received the town cannot reconstruct Ledge Farm road in 2018 at all, per NH law. If Warrant Article #2 fails it can only be brought up again in the 2019 budget cycle. Regular road maintenance could take place, but there could be no additional work as identified in Warrant Article #2.

Discussion also took place that if a bond isn't able to pass, the regular road construction/reconstruction warrant articles, typically \$200,000.00, could be used annually until Ledge Farm is repaired, pushing back other road projects.

Tax Deed Waivers: Mr. Sterndale reviewed the board process for providing deed waivers. Mr. Sterndale reported all of the individuals are aware of the tax balances that are due to the town, especially those with larger balances due. The town has the ability to tax deed, take ownership of, a property with liens at three years old.

Motion: by Ms. Andersen and second by Mr. Dumas that the Select Board waive the deeds and notify the Tax Collector that they will not accept the Tax Collector's deeds on the following properties, pursuant to NH RSA 80:38 for

Map	Lot	Sub
1	1	
1	2	
1	3	
1	12	
1	13	
5	2	29
5	2	31
8	13	
12	9	1

Map	Lot	Sub
16	18	3
20	8	1
23	2	100
24	103	
24	141	2
39	24	
46	6	

Vote: 5 – 0 in favor.

**Appointments:**

7:00 pm – PLIA – 2018 Boat Inspection Info: Mr. Decker introduced himself as the President of the PLIA and provided answers as to why the PLIA submitted a petition warrant article in addition to the Invasive Species reserve fund. Mr. Decker expressed concern about the possibility of being able to continue financially supporting the grant, with the delay in issuing town moneys in 2017. Payroll through NH Lakes was delayed two times with delay in receipt of the town payment. Mr. Decker stated NH Lakes does not document receipt of the second \$2000.00 payment and Mr. Sterndale stated he would verify the payment was mailed with the bookkeeper.

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Mr. Decker stated the PLIA decided to submit the petition warrant article to make sure the town would be able to keep the grant with NH Lakes and fund boat inspections.

Chair Danis stated the board was unaware of the specific reasons why the petition warrant article was submitted, feels it is duplicative with the town Invasive Species warrant article, and the issues in 2017 were due to an odd set of timing. The board had questions about the late request, and should be able to ask questions.

Mr. Decker reported the PLIA is requesting \$4800.00 for 2018, as the past few years has been \$4000.00. Ms. Decker stated knowing how much money is received can be confusing, as NH Lakes only provides PLIA with information about the payments made by the PLIA and not the payments made by the town.

Discussion took place about the balance in the Invasive Species Fund, and the amount would be verified.

Ms. Decker stated the grant NH Lakes Grant receives from NHDES was reduced, which will reduce the amount the Lake Host programs will receive. PLIA received information that they would receive a maximum grant of \$4700.00 in 2018 versus \$4950.00 in 2017; the 2018 grant has been sent in to NH Lakes. However, NHDES is now requiring every Lake Host program to have a paid program manager. This will increase the PLIA program by \$780.00 or could reduce the amount available to pay the boat inspectors. The purpose of mandating a program inspector is to reduce the number of hours spent by state personnel to document the number of hours spent on boat inspections; the individual program managers will now be responsible for logging into the state and recording work hours/ramp summaries. This was a voluntary process in 2017 but it wasn't being completed by individual programs, and is now a requirement going forward.

Mr. Decker reported the hope is to have \$4800.00 from each entity, the PLIA, the town, and NH Lakes to support the program, but funds must be received by NH Lakes timely; the town isn't allowed to deficit spend and has been told if it happens again the PLIA will no longer be allowed to participate in the program.

Chair Danis stated she doesn't support the additional warrant article, but expressed strong support for the boat inspection program and setting aside funds to solve possible invasive species issues.

Discussion took place about eliminating any confusion with the two warrant articles. The Select Board is the trustee of the Invasive Species Fund and authorizes release of payments. It was stated there was a communication problem in 2017 and shouldn't happen again in 2018.

The Select Board members expressed appreciation and supported the boat inspection programs and asked to hold periodic meetings with the PLIA to make sure payments are issued timely.

It was stated if the Invasive Species Fund article was approved at Town Meeting, Mr. and Ms. Decker would be willing to motion to table the second request for boat inspection funds.

Mr. Decker asked if the Select Board would support paying NH Lakes \$4800.00. After discussion, the Select Board stated they agree and offer commitment to support the inspection program in an amount to be determined.

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It was agreed that the PLIA and the Select Board would review the proposed expenses for 2018, and would sit down shortly after Town Meeting.

Other: The other Select Board members thanked Mr. Brown for coming back to the board, and appreciates his service in the past year, and everything he has done for the town. Board members expressed their disappointment that he chose not to run again.

Mr. Brown stated he enjoyed working with the board, appreciated the opportunity with his transition away from Town Administrator with his retirement, and looks forward to having time off.

**ADJOURNMENT:** Having no further business,

**8:05 PM Motion:** by Mr. Brown, second by Ms. Andersen to adjourn.

**Vote:** 5 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough

Memo to Selectmen by Town Moderator after 3/9/18 conversation  
with Atty. Matthew Broadhead,  
Election Division,  
NH Office of Attorney General

To: Nottingham Board of Selectmen

It is the opinion of the NH AG that a quorum of selectmen is required to be present at general state AND town elections the entire time the polls are open. The NH Constitution mandates selectmen presence at elections where governor, council and senators are elected. The AG interprets the Constitution language to mean a quorum. A quorum consists of 3 persons in a five person board.

RSA 669:25 mandates that town elections be conducted in the same manner as state general elections... <where governor, council and senators are elected>.

RSA 652:21 allows selectmen to appoint a selectman pro tem, to stand in their stead if they cannot be present. Atty Broadhead cautions to be mindful of the incompatible offices statute <RSA 669:7>, that a pro tem for any office must be a registered voter of the town, and not someone otherwise prohibited from holding the office. The statute also allows, but does not compel, the moderator to appoint such a pro tem if the selectmen do not, and he agreed that if the moderator has no knowledge of the selectmen's schedule, it is not reasonable for moderator to be expected to so appoint.

As a sworn election officer, one of your duties is to be present. If a quorum is not present at any time on election day, it is the duty of the moderator to file a complaint with the AG. All complaints are investigated, and sanctions may ensue, emphasis on may. It is also my duty to make sure the board is aware of their duty to attend, which is the purpose of this memo.

I submit this memo to the Nottingham Selectboard and request that it be made a part of the minutes of tonight's meeting, March 12, 2018.

Respectfully,



Bonnie Winona MacKinnon,  
Nottingham Town Moderator

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Nottingham Town Moderator