

**Minutes**  
**Nottingham Select Board Meeting**  
**April 9, 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, Anthony Dumas, Benjamin Bartlett

Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, Mike Coltin, Dee Decker, John Decker

**Approval of Manifest:**

Motion: by Mr. Dumas, second by Ms. Andersen to approve the April 9, 2018 accounts payable and April 10, 2018 payroll manifests.

Vote: 5 – 0 in favor.

**Approval of Minutes:**

Motion: by Mr. Eaton, second by Mr. Dumas to approve the minutes of the March 26, 2018 as written.

Vote: 4 in favor. 1 abstained.

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

Planning: Mr. Dumas reported two subdivisions were reviewed, and the Ledge Farm Road subdivision was continued to a future meeting due to some concerns. The board reviewed a list of projects the board will be working on in the next year, including a Steep Slope ordinance.

Budget: Mr. Dumas would connect the Mr. Hadik, the committee chair, with the new Select Board Representative Mr. Bartlett.

300<sup>th</sup> Birthday: Mr. Eaton stated the committee met and continues to talk about their plans. Mr. Eaton stated the committee has requested approximately \$70.00 from the reserve fund for a camera that would be used over the next four years.

The Board denied the request, at this time, stating the Select Board previously requested a budget proposal before spending funds from the reserve account.

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

Solar: The project panel installation is complete at the Community Center and the Fire Station, with a few minor steps until the project can be considered fully complete. The majority of the required testing has also been complete and the system will be up and running soon. ReVision is seeking an alternative financier for the project, which isn't a problem, and is the reason for the delay. Once the system is up and running citizens can see the amount of power being generated on the town website.

Town Office: The town offices experienced falling trees during the last windy storm and clean up was completed by the highway crew. However, the Recreation van was damaged when a tree fell and repairs are taking place.

Audit: Mr. Sterndale asked if the Select Board still wants to consider changing audit firms, and would reach out to new audit firms for bids/proposals. The board agreed to consider alternative audit firms.

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Dame School Renovation: The handicap ramp and doorway installation will start in the next week.

Comcast Franchise Agreement: Mr. Sterndale reported the franchise agreement will end in 2018 and the town attorney is lined up to start work on a new contract. Mr. Sterndale answered that he believed there was a separate subcommittee for a prior agreement, but he did not believe it was for the most recent contract. The agreements are fairly standard, but the board will need to weigh in on the franchise fee amount, and determine if there should be any new additional town areas needing cable installation.

Signatures: The board signed the MS-232 for Town Meeting Approved Appropriations, a Health Inspector application for Building Inspector Russ Bookholz, Pole License agreements with Eversource, and a couple of out of cycle checks for an abatement refund and the Terninko conservation easement. The board also signed a road deed for acceptance of Strawberry Lane as a town road, as well as the letter to the Governor regarding the support of wind power installation, as was approved at Town Meeting.

Ms. Andersen asked to identify the specific location for the pole license agreement and it was believed the location is near 57 Raymond Road, Route 156.

Mr. Sterndale reported he would sign the formal conservation deed for the new Terninko/Case Road easement, as previously directed by the board. The other recently approved Shippee/Rice easement is expected soon.

Chair Danis read the letter to Governor Sununu regarding the town support of the wind power.

Mr. Reed asked about the new phone system. Mr. Sterndale reported the new VoIP phone system is installed and operating, and town employees are still learning the new system.

**Appointments:**

7:00 pm – PLIA – 2018 Boat Inspection Info: Ms. Decker reviewed the history of the Lake Host program, the recent updates and requirements to participate in the program, and provided the board with a proposed summary of work hours for program staff. The program is funded by the town, the PLIA, and a matching grant provided by NHDES/NH Lakes. Grant funds are expected to be reduced for 2018, but additional data entry work is being required from a new Program Manager position, and \*

Ms. Decker reported boats have already been seen on the lake and expects inspections will start soon, and will continue through late fall. The town and state know that milfoil has already been found in Pawtuckaway Lake, and work continues for its removal and ongoing preventative maintenance. There is significant concern about keeping milfoil out of the Fundy area, given the shallow lake conditions and water flow near the dam, and it is a high traffic area of the lake.

The PLIA will know the amount of their grant in late April with an expected program start in early May. The matching grant funds must be deposited with NH Lakes and be available before work starts. The inspection schedule will start earlier in the day and will cover all fishing tournaments over the summer. Chair Danis reported there can be at least fifteen tournaments, if not more, over the course of the summer.

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General discussion took place about the hours proposed for boat inspections at both the state park and the Fundy boat launch, as well as the number of hours for paid and volunteer inspectors, and the rate of offered pay. Ms. Decker reviewed the recommendations for payroll, stating there are three levels of salary depending on the level of experience of staff, some of which are program requirements.

Ms. Decker reported the previously unaccounted for funds provided by the Town of Nottingham have been found; they were accidentally allocated to the wrong account by the NH Lakes Association. The PLIA will start with approximately \$2000.00 to start the season. Ms. Decker stated the PLIA will send in \$5000.00, and asked if the Select Board would be willing to support the program with a total amount of \$4800.00, rather than the previously requested \$4000.00. Ms. Decker stated she is concerned about a potential shortfall in funding if NH has a nice summer thereby increasing staff hours at the launches. Discussion took place about the expected amount needed to support the program.

Ms. Andersen asked how the state determines the amount of the grant. Ms. Decker reported NH Lakes Association receives a total pool amount from NHDES and NH Lakes determine the amount of each grant based on a number of factors, including the number of covered ramps, the number of boats previously inspected, and the number of matching dollars and volunteer hours; documented by a list of work hours and number of inspections.

Ms. Andersen asked about the estimated cost of removing the previously found milfoil and if the town needs to reach out to the legislature to ask for financial support for future removals. Ms. Decker and Chair Danis reported the town is ultimately responsible for the cost of invasive species removal and should welcome any additional financial support from the state, as it could easily be less financial support. Currently DES is overseeing the removal but there is no guarantee that this support will continue over the long term.

Ms. Andersen asked if the PLIA could solicit donations from the fishing tournaments to help off set some of the inspection costs. Mr. and Ms. Decker reported the suggestion hasn't been discussed, but would do so. However, the PLIA does not receive the name and address of the tournament organizers, it could make the process difficult, and there is no requirement for them to do so.

Ms. Andersen asked if invasive species information is provided when boats are registered and fishing licenses issued. Mr. Decker reported information is supplied, but smaller vessels such as kayaks aren't registered.

Discussion took place about the potential amount that might be needed to support the program. Ms. Decker stated she is formally requesting \$4800.00, but that amount may be less as the season progresses. The Select Board expressed their support to the request, would authorize the original \$4000.00, and would re-evaluate the additional amount later in the summer. The Board stated they did not want to leave a large balance with NH Lakes at the end of the season. Ms. Decker stated the town has the right to request a refund of funds that remain at the end of the season.

Mr. Eaton asked how the number of hours was determined, including the need for an additional \$5500.00. Ms. Decker reported she built the schedule with an anticipation of the best summer conditions and having all ramps fully staffed from May 19<sup>th</sup> through Columbus Day.

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Mr. Bartlett asked how the salary amounts are determined. Ms. Decker reported the maximum amount that can be paid is \$12.00 per hour, and will start at \$8.00 per hour for beginner inspectors, based on experience. She anticipated an approximate \$780.00 over the course of the summer to support the newly required program manager. Chair Danis reported the manager is also required to deal with all administrative issues, including scheduling, data entry, inspections, and processing payroll. Ms. Decker stated she works an approximate 6 months out of the year on the program, volunteering many hours to do so.

It was determined the PLIA would meet with the Select Board in early July to review the status of hours and funds used up to that time.

**Motion:** by Ms. Andersen to expend \$4000.00 from the Invasive Species Prevention and Eradication Removal Expendable Trust Fund. Second by Mr. Eaton.

**Vote:** 5 – 0 in favor.

**General Business:**

2018 BOS Priority List: Chair Danis asked the board members to consider what subjects or tasks the Select Board should take action on for 2018, stating it would be discussed at a future meeting. Ms. Andersen asked to receive the prior list of recommendations and Mr. Sterndale would provide the list.

NHMA Legislative Suggestions: Mr. Sterndale reported the Select Board should consider any recommendations they would want to make for possible legislative lobbying that will be considered by the NHMA. These suggestions should be returned soon, and will be reviewed at the annual NHMA Legislative Session Workshop, for municipalities to group vote final recommendations. Mr. Sterndale stated simple suggestions could be made, and it doesn't have to be specific language.

Mr. Eaton asked about the recently proposed changes for police coverage during road side/road work, and it was stated no specific support by the NHMA was provided.

Ms. Andersen asked to propose a recommendation for financial assistance for milfoil removal. Chair Danis asked to receive information about how or why NHDES would or is supporting removal of milfoil. General discussion took place about why consideration should be given to have towns receive financial support from the state to support local efforts made toward state owned properties. Discussion also included the efforts of the Town of Hampton seeking additional state assistance where the town provides support at Hampton Beach and how does the Town of Wolfeboro remove their milfoil.

Mr. Reed asked for Select Board support in opposing a proposed legislative change to the property tax lien interest rate in HB1673; changing from a standard percent to a new floating percentage rate HB1673. Mr. Reed stated the Tax Collector Association does not support the bill, as the standard rate is easier to understand and process; the floating rate change makes it complicated and has received objection from the tax collection software companies. Mr. Reed stated he doesn't know where the proposed language came from. The Select Board agreed the change doesn't make sense and would write to the local legislators to recommend voting no on the legislation.

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Other: Mr. Reed stated he has discussed the matter of Town Clerk/Tax Collector Office renovations with the Town Administrator, and does not feel encumbering 2017 funds for the project is appropriate. Mr. Reed asked the board to reconsider their encumbrance of funds because he feels there wasn't a specific appropriation in 2017 for the work, the voters should be able to vote on the appropriation, and feels the work should be considered as part of the CIP process. In addition, it has been mentioned that the Town Meeting motion to add a specific 2018 appropriation for the renovations should have been included into a different account.

Chair Danis stated the correct account for renovation should be the CC Building Maintenance account. The Select Board also felt the safety upgrades to the Town Clerk/Tax Collector Office were critically important, and that the decision of the board to utilize 2017 funds was an appropriate decision.

Ms. Andersen stated she disagrees with the comments indicating the work is a capital improvement, which is typically for long term projects. This approved renovation was a decision for a one year improvement for safety.

Mr. Reed stated he also objected to encumbering funds for the playground equipment. Mr. Sterndale reported it wasn't an encumbrance, but actually making the year end purchase for new equipment for the Toddler Gym program and it was funded from the Rec Revolving fund. The Board explained that this a school board issue, not a Select Board issue.

Tax Deed: Mr. Sterndale recommended executing the tax deed process for a property the Select Board previously waived the tax deed, due to concerning safety condition found at the property.

Mr. Reed notified the board of their ability to execute an administrative inspection of properties in the tax deeding process, and as they consider waiving the tax deed. Ms. Andersen recommended that the town consider it a policy to inspection properties that are in the tax deeding process. Mr. Sterndale reported there are a variety of methods the town can utilize for inspecting properties.

General discussion took place regarding the Select Board process in their consideration of tax deeding or waiving of the tax deed, and the steps the board should use or consider during the process. Mr. Reed stated he would need to complete additional research before the tax deed could be finalized.

Mr. Bartlett asked questions about the safety concerns related to the property and expressed concern that the town should not consider taking property without taking action on all other available options to help the property owner. Mr. Sterndale reviewed the safety concerns that have been found in the rental unit, which is only one of the three owned parcels, and reviewed the other safety concerns. Mr. Sterndale reported the town has attempted to work with the owner and her family in the past three years to try and get the back taxes paid, with few payments received, and then just recently found the safety concerns. Mr. Sterndale reviewed the town liability with the safety concerns. Chair Danis stated she does not remember a situation where the town has taken property with an owner living at the house, but there are considerable safety concerns to do so now.

Mr. Dumas agreed to consider a required inspection of properties in the tax deeding process to prevent this issue in the future. The town has made an effort to work with the owner to receive payment of back taxes and doesn't object to moving forward with tax deeding this property.

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**Motion:** by Ms. Andersen stated the Select Board directs the Tax Collector to revoke the deed waiver, research mortgage holders, deliver required notices, and issue a tax collectors deeds for parcels Map 1 Lot 2 Map 1 Lot 3 and Map 1 Lot 12. Second by Mr. Dumas.

**Vote:** 5 – 0 in favor.

Mr. Bartlett verified the intent of the town with the decision to tax deed. Mr. Sterndale reported on the steps the town will take once the tax deeding process begins.

Ms. Andersen asked if there are resources to connect the homeowner with other living options. Mr. Sterndale reported the town would assist the owner.

Mr. Reed asked the board to consider RSA 80:78 in their consideration of the tax deeding process. Mr. Sterndale reported this is different than the more commonly known three year time period.

Ms. Andersen asked if there have been situations where this law was acted upon. Mr. Reed stated there is an ongoing multi-year case in Northumberland, but could not recall if it was related to this RSA.

Mr. Reed reviewed the previous actions of the town in the taking of the Route 4 property and asked about a deed he has recently been asked to sign for a cell tower, which is located on the previously taken Route 4 property. Mr. Reed stated he does not believe he is the responsible party for signing that deed, because the entire property is now owned by the town. Chair Danis asked about the timeline in regards to the cell tower agreement and if additional information is needed. Mr. Sterndale reported the town now has an answer from the tax collector and would move forward in another direction and would research the matter further with the town attorney.

Impact Fees: Mr. Reed asked about the status of his previously asked questions regarding a review of the process of impact fee management and use of impact fees by both the town and school.

Chair Danis stated the school did not utilize impact fees for their study, as was previously approved. Mr. Sterndale reported the School Board did not ask for the funds and other funds were used. Mr. Sterndale reported the Select Board would make a determination to use impact fees in 2018 for the payment of fire station loan principal.

Mr. Reed stated he would like to continue discussion regarding use of impact fees to the principal amount on the Fire Station loan as he does not believe it is an approved purpose, and asked if the town received an opinion regarding the matter from the town attorney. Mr. Sterndale reported the Select Board did receive an answer and made the decision to not share the communication from the town attorney, and Mr. Reed was notified of that decision.

Mr. Reed asked why the board made the decision to not release the communication to the public. Chair Danis reported the board isn't obligated to release legal opinions.

It was stated anyone with legal standing in the use of impact fees has a path of appeal and the right to question the use of impact fees; Mr. Reed does not have any standing in the use of impact fees.

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It was recommended that Mr. Reed review the minutes of the Planning Board and Impact Fee Studies to determine the appropriate use of impact fees. Mr. Reed asked to be notified when the board would consider use of impact fees for payment on the fire station loan.

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

**8:48 PM Motion:** Motion by Ms. Andersen, second by Mr. Dumas to enter non-public under RSA 91-A:3 II (b) and (d).

**Roll Call Vote:** Danis – Yea, Eaton – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 5 – 0 in favor.

**9:40 PM Motion:** by Ms. Andersen, second by Mr. Dumas to exit the non-public session.

**Roll Call Vote:** Danis – Yea, Eaton – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 5 – 0 in favor.

**Motion:** Mr. Dumas, second by Ms. Andersen to seal the non-public minutes of April 9, 2018.

**Roll Call Vote:** Danis – Yea, Eaton – Yea, Andersen – Yea, Dumas – Yea, Bartlett – Yea. 5 – 0 in favor.

The Selectmen made no decisions during their nonpublic session.

**ADJOURNMENT:** Having no further business,

**9:41 PM Motion:** by Mr. Dumas, second by Mr. Eaton to adjourn.

**Vote:** 5 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough