

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 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, John Morin

**Approval of Manifest:**

**Motion:** by Mr. Dumas, second by Mr. Eaton to approve the December 3, 2018 accounts payable and December 4, 2018 payroll manifests.

**Vote:** 4 – 0 in favor.

**Approval of Minutes:**

Motion: by Mr. Eaton, second by Ms. Andersen to approve the minutes of the November 19, 2018 meeting as amended.

Vote: 4 – 0 in favor.

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

**Budget:** Mr. Dumas reported the Budget Committee met and reviewed the 1<sup>st</sup> draft 2019/2020 School Budget, with another meeting the next week to continue their discussion. The School Board continues to make changes to the proposed budget and will meet with their 2<sup>nd</sup> draft. The next meetings will be on December 13<sup>th</sup> and 20<sup>th</sup> and then again in early January 2019.

**Planning:** Mr. Dumas stated the board met and discussed the application to move a cell tower on Route 4. Board members had additional questions and decided they would complete a site walk of the property. It was stated the new location is closer to the road, but probably wouldn't be visible from the road. The Planning Board continues to finalize any changes to ordinances for the March 2019 town ballot. The Chair is also working to finalize the Planner budget, which should be submitted soon.

**300<sup>th</sup>:** Mr. Eaton stated the committee continues to work on plans and participated in the December 1<sup>st</sup> Recreation Holiday Parade.

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

**Recreation:** Mr. Sterndale reported the parade went well. Chair Danis reported the parade went well and praised the work of Recreation Director Kortney, the 300<sup>th</sup> Committee did a great job using it as a tool to spread their message, and the Library did a great job distributing books to the kids.

**Police:** The March 2019 Town meeting will include a warrant article to install mobile data units in the police cruisers. A demo unit was installed in one cruiser today and it will be activated once the needed cell service is connected. Testing of the unit will take place to determine how well cell service will work and determine any problem locations throughout the town.

**Recycling:** Mr. Sterndale stated the proposed contract for waste hauling costs was received, but he is seeking additional information before recommending the agreement be approved by the board.

**Minutes**  
**Nottingham Select Board Meeting**  
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Town Clerk/Tax Collector Office: The office renovations are almost complete with a few minor changes expected. The Town Clerk is actively working in their new office, other officials are moving back in, and the Tax Collector should be there soon. The glass will be installed in the next couple of week for final completion of the renovations.

**Appointments: None**

**General Business:**

**2019 Budget:** Mr. Sterndale updated the board on the recent changes to the budget and reviewed his recommendations including the bigger budget items. The first draft of the town budget will be presented to the Budget Committee on Thursday, December 6.

Mr. Sterndale presented the first draft of warrant articles to the board for their consideration. The list included level funding of Highway Construction/Reconstruction at \$200,000.00 with Ledge Farm as the top priority as a two year project in 2019 and completion in 2020. Mr. Sterndale proposed engineering a first phase on the Ledge Farm Road project for the section between Rocky Hill and the sharp curve where pavement meets dirt, using the remaining funds to pave closer to the Epping end of the road. The initial engineering work would provide the town with the basic work requirements that will be needed to improve the more difficult section of the road. This would set the town up to pave the difficult section and remaining portion of Ledge Farm in 2020, with the plan to raise any additionally needed fund to complete the project in 2020. The board would continue to discuss the multi-year proposal and warrant articles, as well as establishing road standards.

Mr. Bartlett arrived at 6:55 pm

Other warrant articles were for the Police Mobile Data Terminals in the cruisers and Fire/Rescue Extraction equipment and self-contained breathing equipment. The CRF amount for the Highway Vehicle Fund is suggested to increase from \$75,000.00 to \$100,000.00 as the town will need to purchase a 10-Wheel Dump Truck in 2020. There is available information to know the town will not have enough money in the Highway Vehicle reserve fund to purchase all future known vehicles that will be needed to maintain town roads. Mr. Sterndale reported the town is in a difficult position. The town must make the decision to make the necessary vehicle purchase needed to repair the roads, adding to the department fleet or trying to hire private contractors. The difficulty is that the town cannot gamble on finding a contractor, which has already been show hard to do with plowing in the past couple of years. The purchase in 2020 will deplete the CRF and the amount going into the fund in the future will need to be higher than what it has been in the past if the decision is made to continue purchasing highway equipment.

The CRF for Fire Vehicle/SCBA Equipment remains level funded at \$120,000.00 with the planned purchase of the full replacement of the breathing apparatus equipment. The current equipment will expire in 2019 and will need to be purchased.

Mr. Sterndale reported the Revaluation reserve fund should have enough for the next revaluation in 2020 and a warrant article isn't needed in 2019.

Mr. Sterndale reviewed the total amount of funds that would be needed with the currently proposed Operating Budget and Warrant Articles, at an increase of approximately \$211,000.00. Mr.

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 2018**

77 Sterndale stated if the board isn't sure they want to increase the budget at that level there are  
78 proposed projects that could come out of the budget.

79 General discussion took place about the proposed 2019 project and those the board might consider  
80 postponing.

81 Mr. Sterndale recommended postponing the installation of a new furnace at the Highway Garage.  
82 This will make sure that the new heating system will work with all the proposed garage renovations,  
83 including a possible well and office space.

84 The Planning Board is proposing an approximate \$25,000.00 for a contract for planning work, but it  
85 may be adjusted depending on the needed work. Additional information and discussion will take  
86 place to determine the actual needs of the Planning Board for a final amount.

87 Chair Danis reported there doesn't appear to be any one line item that is large and stands out that  
88 could be removed for specific savings. Mr. Sterndale reported the two largest accounts are Health  
89 Insurance and Shim and Seal Coat for road repairs, which really can't be reduced.

90 Discussion took place about the yet to be determined 2018 surplus funds, as there may be additional  
91 plowing expenses, start of work on the Recycling Center bathroom, or other things that could be  
92 pulled from the 2019 budget. It was stated the majority of the amount driving the surplus are vacant  
93 positions; Public Works Director and the Planner position.

94 Mr. Sterndale reported he is still trying to determine how best juggle to need for assessing related  
95 work between remaining staff and the hired assessor. There is a question about the actual services  
96 the assessing company is to complete according to the contract.

97 Chair Danis asked to consider and prioritize those items that would have the biggest impact for  
98 staff, such as the bathroom at the Recycling Center, a Bobcat plow at the Recycling Center, the  
99 Community Center Kitchen, and water filtration system at the library. Ms. Andersen asked to  
100 include Office 365 for staff. Mr. Dumas expressed his support for any of those items.

101 General discussion took place about the process for encumbering 2018 funds; actual contracts for  
102 work or items are needed. Mr. Sterndale reported the Cemetery Fencing could be pushed up a year,  
103 but the Kitchen Renovations might be tough as a lot of the design work hasn't yet taken place. A  
104 recommendation was to purchase any needed equipment in 2018 that could be removed from 2019.

105 Mr. Sterndale asked the board if they had any recommendations for budget increases. The board  
106 would continue discussion regarding technology and personnel compensation and the current  
107 amounts would be provided to the Budget Committee.

108 **Technology Update:** Mr. Sterndale provided the board with general information about current town  
109 technology.

110 Ms. Andersen recommended moving forward with Office 365, as it is key to get everyone on the  
111 same software platform and package. Mr. Sterndale reported that is a short term goal, with a future  
112 plan to upgrade the accounting software and payroll function, including a time keeping function for  
113 employees which is currently done on paper. Accounting it is currently a two part process with a  
114 cumbersome and not user friendly DOS based accounting software and then using Excel for  
115 budgeting purposes. There is also a need to replace some computers, but the cost isn't as large as  
116 the software components appears to be.

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 2018**

117 The long term desire is to get away from doing work on paper, which will mean upgrades to  
118 software systems; Office 365 will help a little. The town is lucky to currently have a few volunteers  
119 and competent staff in the use of existing systems. However, the process is leaning toward a future  
120 position of technology support. The town is functioning along well enough piece meal, but should  
121 start planning on a town wide technology plan. The town is currently using volunteers at the  
122 Library and Fire Department, with contracted support in the town offices and Police department, but  
123 volunteers won't always work as the town moves forward.

124 Mr. Dumas stated the town is moving forward on the right track toward standardization with Office  
125 365, and the long term strategy is an appropriate plan, but there could be a better method for digital  
126 storage, including off site storage. Mr. Dumas recommended a matched pair of storage devices, one  
127 at the town office and a second to sync at the fire station for secured off site storage, utilizing the  
128 internet for connection.

129 Chair Danis expressed her appreciation for a better understanding as they prepare the budget.

130 **Solar Proposal:** Mr. Sterndale reported he is working through the comments and recommendations  
131 made by the Select Board at their last meeting about the proposal. There should be a consideration  
132 to work with other firms for utility scale solar installations and recommended the Select Board hear  
133 from other vendors for the best deal. The town may find the current vendor is the more appropriate,  
134 but it is worth completing some additional research before making any decisions.

135 Mr. Sterndale reported the town still has 1 ½ years before the repurchase option expires, which  
136 gives the town plenty of time to consider the best available uses and options for the property.

137 Ms. Andersen asked for details about what the new information from other vendors might provide.  
138 Mr. Sterndale reported this might provide the town with what other additional options other  
139 companies might bring to such a project. It might not change the existing plan, but feels it worth  
140 completing the research.

141 The Select Board agreed to complete additional research.

142 **Private Road Maintenance:** Mr. Sterndale reported a new culvert problem has been determined on  
143 Barderry Lane, which is a private road. Based on the recent reviews of the culvert it appears water  
144 is flowing better than it has been, but there does appear to be damage in the center of the culvert,  
145 and it may not support much more rain activity. Mr. Sterndale stated the suggestion was to fully  
146 replace the culvert and the primary difficulty in making this decision is that Barderry is a private  
147 road. John Fernald and his brother are the owner of the road and expressed the feeling that the town  
148 should replace the culvert given that the road is an Emergency Lane and the town has done it in the  
149 past.

150 Chair Danis asked about how long it might last and the possible expense. Mr. Sterndale reported he  
151 didn't have an answer about how long the culvert could last. The estimated cost to repair the  
152 culvert is \$6,000.00 to \$10,000.00 with additional expense for an excavator.

153 Mr. Dumas stated he felt that the law was clear and that maintaining private roads is the  
154 responsibility of the landowner, and if the town starts being commanded by road owners to  
155 complete repairs and that it is a town responsibility. The road is currently passable and the road  
156 owner should live up to his responsibility for the currently needed maintenance of the road,  
157 therefore not making it an emergency repair. There does not appear to be a compelling emergency

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 2018**

158 at this moment and it puts the responsibility back on the land owner. Mr. Dumas stated the town  
159 hasn't been responding to private road maintenance property in the past, and is concerned that if the  
160 town continues on the current path the cost for repairs will be never ending and it will continue to  
161 spend tax dollars on private property.

162 Chair Danis reported the town doesn't have a clear policy and it isn't fair to just stop maintaining  
163 the road. There is an understanding of the law, but the town has taken care of these issues in the  
164 past. There is currently a shift in how the town responds regarding private roads, but doesn't appear  
165 to be fair to land owners about how the town will respond to road repairs and maintenance. The  
166 board agreed they would discuss the matter and the town should have a clear policy about how they  
167 will respond to road maintenance.

168 Mr. Eaton stated many in town have communicated that they feel they pay taxes and are expecting  
169 the repairs to be completed, given that repairs to roads have been the response in the past.

170 Chair Danis stated the people have an expectation that repairs and maintenance will be completed,  
171 with the emergency lane designation. Mr. Dumas responded people have been misinformed about  
172 the law, as there are specific laws about what the town can and cannot do.

173 Ms. Andersen stated when the board made the decision about Meindl Road culvert repairs the  
174 motion included a statement about it being a one time exception and these types of repairs would  
175 not become the norm. Mr. Bartlett stated the board agreed the Meindl Road repairs would not set a  
176 precedent for future repairs. Chair Danis stated she thought it was the decision of the board to  
177 consider how they would consider road repairs for the future in the larger context, but that meeting  
178 hasn't yet taken place.

179 Ms. Andersen stated citizens need to be clear that the town does not have any responsibility or  
180 liability toward repairing a private road, whether the board makes a decision to fix the culvert or  
181 not.

182 Ms. Andersen stated she also wants to address recently received correspondence, regarding the  
183 Town Administrator. Citizens need to understand that Mr. Sterndale is a Town Administrator and  
184 does not have the authority to make any decisions without authorization from the board. It isn't that  
185 that Town Administrator isn't being responsive and he isn't just providing lip service to citizens, as  
186 he is required to communicate issues to the board for the Select Board to make the required  
187 decisions. Also, to respond to thoughts expressed in recent correspondence, the town does not have  
188 liability to repair a private road. The board, again, is now in a position of making a decision to  
189 expend public money for a private benefit, in the same manner as Meindl Road repairs.

190 Mr. Dumas stated he felt the Meindl Road issue was a true emergency as it was not passable, where  
191 Barderry is currently passable.

192 Mr. Bartlett asked if the town isn't going to repair the culvert, why is the road still being plowed.

193 Mr. Eaton asked why there isn't an enforcement of private road association to maintain the private  
194 roads, in any new development, which will help with any needed repairs to the privately owned  
195 property, as this is done for the road he lives on. This happened on Strawberry Lane, where the  
196 warrant article to accept the road as a town road wasn't approved and had to submit another warrant  
197 article. Ms. Andersen stated there are some road associations that raise funds to repair sections of  
198 private roads, even with the Emergency Lane designation.

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 2018**

199 Chair Danis stated there is a difference between newer roads and development of road associations  
200 and older roads with years of practice where the town has completed work on private roads. Ms.  
201 Andersen and Mr. Dumas expressed concern that it has been years of misappropriation of public  
202 funds, and it shouldn't continue to do so.

203 Mr. Eaton stated if the town has been providing a service, such as plowing, there could be the  
204 expectation to continue doing so.

205 Mr. Bartlett stated he agrees with Chair Danis, and is struggling to consider stopping town services  
206 in the middle of winter, without giving the owners advance notice, stating it isn't right. However,  
207 he isn't fully supportive at this time to complete repairs of the culvert, but it will need to be  
208 repaired. The town must now address the private road issue and it is unfair at this time to tell  
209 anyone the town isn't going to maintain any private roads that it previously has done so. The board  
210 can continue to discuss the issue for a possible resolution and decisions can take place after the  
211 current winter season, sometime in the spring, about how the town will move forward in the future.  
212 The board should make a decision in the spring and let owners know what will be provided to them  
213 in the future, giving them the time they need for future road work.

214 Mr. Dumas stated the immediate question isn't about plowing, but is about providing repairs on a  
215 private road, which is the responsibility of the road owner. The road owner is refusing to complete  
216 repairs, stating it is a town responsibility to do so, and expressed concern that the town is being  
217 strong armed into completing repairs on private property. Mr. Dumas stated there is some  
218 responsibility for the owners of the right of way easement to access their property to enforce the  
219 owner of the land to repair the road. Mr. Dumas stated he understands the difficulty in making this  
220 decision, but is concerned about continuing on the path they now know needs to be corrected.

221 Chair Danis supported Mr. Bartlett's opinion in not stopping work in the middle of a season and  
222 working toward establishing a permanent solution for the future. The board should establish a plan  
223 in totality for the future and the town should feel obligated to provide citizens guidance on how to  
224 move forward.

225 Mr. Eaton expressed concern that the town has set precedence in repairing private roads and isn't  
226 sure how they will stop maintaining private property. Maybe there should be a public hearing to  
227 invite private road residents to let them know about the process.

228 Ms. Andersen stated she used to live on Barderry, understands the road does need repairs, but wants  
229 to express the thought that the town has no liability to repair it. She agrees it needs to be repaired  
230 but the board needs to determine at what level the road needs to be repaired. Thoughts being  
231 expressed by people that the town and town employees aren't doing their job is incorrect.

232 The board discussed possible options to repair the culvert, including the need to rent an excavator  
233 for at least one week and will also need to rent a trailer to move the equipment. There was  
234 agreement to rent equipment and determine where else it could be used. Mr. Sterndale reported if  
235 the Highway Department receives a board decision to complete repairs, the work can be completed  
236 this week.

237 Discussion took place about prior culvert repairs on Barderry and it was stated that Mr. Fernald  
238 previously repaired the culvert, making a statement that he paid for a portion that repair personally.

**Minutes**  
**Nottingham Select Board Meeting**  
**December 3, 2018**  
**Approved December 17, 2018**

239 Ms. Andersen asked to set a date for a workshop to discuss the future plan for private road  
240 discussion. The board agreed to continue meet and discuss how the town should move forward with  
241 the issue of road maintenance on private roads. These meetings would culminate with public  
242 hearings for public input, and a final decision by the spring.

243 The board discussed available dates for future workshop sessions. There was agreement to have  
244 additional meetings, one on December 11<sup>th</sup> to discuss employee compensation, hold their regularly  
245 scheduled meeting on December 17<sup>th</sup>, and agreed to a tentative meeting on December 27<sup>th</sup> for  
246 regular town business and/or road discussion.

247 Mr. Bartlett asked if the land owner could be asked to make repairs where he has made repairs in  
248 the past. Mr. Sterndale stated the owner could be asked again, but he should be asked quickly.  
249 However, the board should make a decision to complete repairs or not, as the town has a very short  
250 window of time with good weather to complete the repairs, and any delay may mean the town will  
251 be presented with a need to repair a situation in worse weather, regardless of what the land owner  
252 decides.

253 General discussion took place about the wording of the motion and having the wording be such that  
254 would encompass the desire of the Select Board regarding the matter.

255 **Motion:** by Ms. Andersen to expend money to repair a culvert on Barderry Lane, a private road  
256 designated as an emergency lane. Second by Mr. Dumas.

257 Chair Danis called the vote.

258 **Vote:** 5 – 0 in favor.

259 Mr. Sterndale would keep the board informed of the expense of repairing the culvert on Barderry  
260 Lane.

261 **NON-PUBLIC SESSION:** N/A

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

263 **8:17 PM Motion:** by Mr. Eaton, second by Mr. Dumas to adjourn.

264 **Vote:** 5 – 0 in favor.

265 Respectfully Submitted,

266 Dawn Calley-Murdough