

**Minutes**  
**Nottingham Select Board Meeting**  
**February 27, 2017**

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

ABSENT: Tiler Eaton

Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, Jen Biron, Sandy Weston, Gene Reed, Charlie Brown, Robert Prieto, Bonnie Winona, Sandra Vilchock, Jaye Vilchock, Chelli Tennis, Gary Anderson, Anthony Dumas, Lorraine Petrini, Chris Roundy,

**Approval of Manifest:**

**Motion:** by Ms. Andersen, second by Chair Danis to approve the February 27, 2017 accounts payable and February 28, 2017 payroll manifests.

**Vote:** 2 – 0 in favor.

**Approval of Minutes:**

**Motion:** by Ms. Andersen, second by Chair Danis to approve the public minutes of the February 13, 2017 and non-public minutes of February 13, as amended.

**Vote:** 2 – 0 in favor.

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

Planning: Conditional approval was given for expansion of Best Buy Auto on Route 4, a lot line adjustment, and the proposed design plans for the Marston Property were reviewed. There were a few questions about the lack of walking scenic trails, parking and lighting. There were some concerns expressed about the number of non-scenery related activities, as it appears to be designed more for youth and not necessarily the general public.

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

Recreation: Vacation camp week was taking place.

Legislation: Proposed legislation has been brought forward that could allow the County to change their tax year from a calendar year to a fiscal year and also proposed semi-annual billing to towns. There will be a meeting to discuss the proposal in more detail; the change should not impact Nottingham too much, but others might have a harder time. A concern about changing the tax year would be how towns will be able to fund 18 months for the county budget within one tax year without seeing a significant increase in property taxes.

USA Springs: There is an expected motion on the sale of the cell tower easement. Additional information about the 3<sup>rd</sup> party rights should be available tomorrow for review.

The public information session/meeting regarding USA Springs will be held on March 9, 2017 at 7:00 pm at the Community Center. Gathering and prepping materials will start when town counsel returns from vacation.

Warrant Review: The NH Department of Revenue approved the final list of warrant articles, with only a few wording changes in a couple of warrant articles.

Signature Items: The final 2017 Warrant, one additional tax deed waiver, and a property tax payment agreement.

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**Appointments:**

6:45 pm – Bonnie Winona MacKinnon/Moderator/Town Meeting Prep: Ms. MacKinnon reported she attended the Moderator training with no new surprises; there was a recommendation to have the town attorney present in case there are any legal issues that come up. Mr. Sterndale reported he did ask, but the town attorney would not be able to be in Nottingham, as they will be in another town.

Ms. MacKinnon reported ballots have been ordered, additional copies can be made if there is a higher than expected turn out to the Tuesday, March 14<sup>th</sup> elections. It was stated Chair Danis would not participate in working the election as she is on the ballot, but Ms. Andersen and Mr. Eaton would be available. Ms. MacKinnon stated she is unable to touch any cast ballots but will have an assistant, as she is on the ballot for a ZBA position. Nothing out of the ordinary is expected for the Tuesday, March 14<sup>th</sup> elections.

Chair Danis reported she would not be able to attend Town Meeting due to a traveling conflict. However, both Ms. Andersen and Mr. Eaton will be in attendance. Ms. MacKinnon stated she would ask the Budget Committee Chair Tony Dumas to present the budget information at Town Meeting, which is procedurally correct but hasn't been done in many years. Chair Danis reported Mr. Sterndale has presented the information in the past couple of years successfully and was planning to do so again.

It was stated original copies of all documents would be provided to the Moderator for Town Meeting.

Discussion took place about possible postponement of the Saturday Town Meeting, if there is a weather related incident.

Mr. Sterndale reported the Town might have further information about a couple of the warrant articles no longer being applicable, depending on the outcome at court. There would be a presentation provided by the solar company. The names of all speakers would be provided to the Moderator as part of her packet.

7:00 pm – Public Hearing Change in Ambulance Fund per RSA 31:95-d: Chair Danis opened the public hearing for comment. Mr. Sterndale read the warrant article and summarized the reason for the change stating the fund is financially stable and the intent is to include the training and certifications of personnel as an item to be paid for.

Mr. Reed asked for the current total balance available in the fund, if the fund would be able to maintain a positive balance by adding the proposed expenses, and if there would be adjustments to the operating budget with the proposed fund language change. Mr. Reed asked what the fund pays for, in addition to the proposed request.

Mr. Sterndale reported the fund has a current balance of approximately \$350,000.00 and will be able to maintain a positive balance after adding the training and certification expenses. Moving those expenses to the fund will help reduce the operating budget. The Ambulance Special Revenue Fund currently pays for the daily operations of the ambulance, including any and all supplies and equipment, purchasing of new ambulance, and if approved the staff training and certification expenses.

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Mr. Brown stated money in the fund is received from billing and the payments received by people who have used the ambulance, earns more than enough to be a self-supporting program, and it is appropriate to include training and certifications, which will help reduce the operating budget.

Chair Danis asked for any further comments; there were none and the hearing was closed.

7:15 pm – Public Hearing Petition regarding Size of Select Board (Members) per RSA 41:8-d:  
Chair Danis opened the public hearing for comment.

Ms. Bonser stated the reason she signed the three selectmen petition is concern that more members will cause additional in-fighting, more work for existing staff and possibly generate a need for more staff. There is also concern about Selectmen communicating with each other outside a regularly posted meeting, allowing a majority of the board to come to decisions outside of a meeting; stacking the board. Having three members means two members may not discuss town matter outside of a meeting because two can cause a quorum; five members opens the door for two selectmen to hold private conversation outside of a posted meeting.

Mr. Dumas stated he opposed the three selectmen petition, the town will have five selectmen for 2017 even if the three selectmen petition was approved. Mr. Dumas stated the same objections were presented with the five member petition in 2017, and the voters still approved the change to five members. It isn't a problem having five members, as some towns do so without issues. Having five members will prevent two people from pushing personal agendas on a specific topic. Mr. Dumas stated having three members doesn't prevent two members from discussing matters outside a meeting. Mr. Dumas stated he did not believe five members would cause additional work for staff because Selectmen could communicate with each other to learn more about the specific topic under discussion, and not need to work through the Town Administrator. Previously expressed concern about a lack of individuals who might run for office hasn't happened, as there are more people that have signed up for Selectmen than any other board/committee. The only additional expense to having five members is the increase of stipend, and there should be no additional staffing expense. The intent of having five members is to give the town better representation with an increasing population and population diversity. Mr. Dumas asked for the town to give it a try and see if it can work.

Mr. Brown stated given his prior experience as a Selectman and as the prior Town Administrator he had no issues with a three member board. Nottingham used to hold group meetings with other towns, and it was cumbersome to coordinate schedules and information with towns that have five members and the meetings stopped. Given the size of Nottingham it doesn't appear necessary to have five members, and sometimes having a larger board is overkill.

Mr. Roundy stated he heard good points for having a five member board, the biggest issue is having a board made up of personalities and having people that are willing to put aside personal agendas and work together. The concern about two members having a discussion outside a meeting seems contrary to causing more work for the Town Administrator; there currently can't be discussion between two members as communication must always go through the Town Administrator. Five members is an appropriate size for the size of Nottingham.

Ms. Winona MacKinnon stated given the concerns of both parties, the Selectmen have an ability to create policies and procedures that prevent many of the stated non-meeting discussion concerns. As a member of the Zoning Board, with five members, there have been none of the issues as presented about having a five member Select Board.

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Ms. Bonser stated the town of Barrington has a population of 8,500 to 9,000 with a five member board, Nottingham has an approximate population of 5,000. Ms. Bonser stated she is especially concerned about board members having communication outside a meeting; if two members of a three member board discuss matters outside a meeting it is illegal and punishable by law. If two members of a five member board discuss matter it may be considered unethical but isn't illegal and should be cause for concern.

Mr. Dumas stated it is possible, as there is nothing really to prevent two members of a three member board from discussing anything, as long as no one knows about the discussion. The concern about outside discussion is just smoke and mirrors.

Mr. Sweeney stated it makes sense if Nottingham has a five member board to have rules to make sure no decisions or changes can be made outside of a public meeting; all decisions and discussion should be required to be made during a posted meeting. There should be no decisions made outside of a meeting, whether there are three members or five members.

Chair Danis asked if there were any additional comments. There were none and Chair Danis closed the public hearing.

**General Business:** None.

**ADJOURNMENT:** Having no further business,

7:43 **PM Motion:** by Ms. Andersen, second by Chair Danis to adjourn.

**Vote:** 2 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough