

**Minutes**  
**Nottingham Select Board Meeting**  
**March 13, 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, Tiler Eaton, Charlene Andersen

Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, Heidi Seaverns, Skip Seaverns, Eugene Reed, Jack Ruderman

Chair Danis reported the town offices will be closed on Tuesday, March 14, 2017 due to the storm and Town Elections would be postponed to Thursday, March 16, 2017. Absentee Ballots can be processed with the Town Clerk through Wednesday, March 15, 2017.

Town Meeting will be on Saturday, March 18, 2017 starting at 9:00 am.

**Approval of Manifest:** **Motion:** by Ms. Andersen, second by Mr. Eaton to approve the March 13, 2017 accounts payable and March 14, 2017 payroll manifests.

**Vote:** 3 – 0 in favor.

**Approval of Minutes:** **Motion:** by Mr. Eaton, second by Ms. Andersen to approve the minutes of the February 27, 2017 as amended.

**Vote:** 3 – 0 in favor.

**Motion:** by Ms. Andersen, second by Mr. Eaton to approve the non-public minutes of the February 23, 2017 as amended.

**Vote:** 3 – 0 in favor.

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

Planning: Ms. Andersen reported the board made a decision on the Shea Concrete merger, reviewed plans for the change in business operation for the car dealership on Route 4 at the end of Route 152, and reviewed answers to impact fee questions.

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

Highway: Mr. Sterndale reported the department has one truck that needs to be repaired.

Administration: Chair Danis reported the Select Board and Town Administrator finalized, agreed upon, and signed a new employment contract that would be in effect through February 2018.

**Appointments:**

6:45 pm – Heidi Seaverns/Gene Reed – Ms. Seaverns asked how the board and town administration will work with her, as the new Tax Collector and expressing concern about the recent resignation of Bill Garnett, stating she felt it was unprofessional to exclude the Tax Collector from the decision making process about sending out tax deed notifications to USA Springs. There is the expectation that the communication from the Select Board and Town Administrator will improve.

Chair Danis reported communication could have been handled better, and while that can't be changed, it can be corrected for the future.

Ms. Seaverns felt the board and Town Administrator owed Mr. Garnett an apology given the length of his service and lack of consideration in working with him regarding the notice.

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Mr. Reed stated he agreed with Ms. Seaverns about the concern with hiring an outside firm to mail the tax deeding notices, when it is a statutory requirement of the Tax Collector, despite the action being legal. Mr. Reed stated he is concerned about and asked the board and Town Administrator to improve communication in working with the future Tax Collector and to make sure this type of action doesn't happen again in the future. Mr. Reed asked if town council has been asked to perform any additional functions as Tax Collector.

Mr. Sterndale reported the attorney may draft the deed, but executing, signing and filing/recording at the registry will be the responsibility of the Tax Collector.

Mr. Reed expressed his concern about the possible conflicts with having someone other than the Tax Collector complete some of the statutory tasks in tax deeding a property, in order to make sure all statutory requirements been met. Mr. Reed asked to have all legal tax deeding documents regarding the process supplied to the Tax Collector's Office.

Discussion took place about the actual actions of the town attorney, the process of deeding property, and improving communication between the offices.

Chair Danis reported the town attorney has been involved in the process regarding USA Springs for a long period of time. Mr. Sterndale reported the town attorney will provide all necessary documentation to the town before the town reaches the final steps in the tax deeding process; much of the typical work for tax deeding has been delayed because of the bankruptcy process.

Mr. Reed asked the board how the town will proceed to make sure the new Tax Collector receives applicable and necessary job training. Chair Danis reported there is an expectation to have Ms. Seaverns help with training when she is available, town administration will support the new Tax Collector whenever is needed, and also expects there will be additional Tax Collector training through the NHMA or another agency. Chair Danis asked what additional steps should be expected of the town to assist a new tax collector.

Mr. Reed asked if funds would be available to the town from Avitar in the tax collector software, training with current Tax Collector, or even an outside source. The board agreed to provide the new Tax Collector with any needed training.

Discussion took place about printing of reports and there was a feeling that all reports and accounts were in order.

It was stated Ms. Seaverns has not made up her mind to continue with her duties as Deputy Tax Collector.

Chair Danis responded to a comment from Mr. Reed about a "turf battle", stating that was not the case or intention of the Select Board or the Town Administrator. There is the expectation of a positive working relationship with anyone who was elected or appointed to the office.

USA Springs: Mr. Reed asked if the board has made any decisions to respond to or protect town employees and elected officials regarding the recent legal paperwork filed by Mr. Rotundo being unhappy with the town with what has happened with the USA Springs property, specifically his verbal comments.

Chair Danis reported the board has made a recent decisions to improve security in the building.

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General discussion took place about current policy and procedures between employees and methods of working with aggressive citizens.

Mr. Reed asked about the current policy to carrying a weapon on town property. Chair Danis reported town employees are not able to carry, and offered no opinion for elected officials.

Discussion took place about the security of employees and elected officials. Chair Danis reported the concern is well taken and will be something the board, administration, and Police Chief could work towards improving.

7:00 pm – Jack Ruderman/ReVision Energy Solar Project: Mr. Sterndale reported the changes toward the financing portion of the project for the proposed Community Center installation provided more favorable returns. Mr. Ruderman reviewed the materials he would provide for the Town Meeting presentation.

Mr. Ruderman reviewed the new financing options for solar installation at the Community Center in order to provide the higher return on investment. ReVision Energy made the decision to help finance the project in-house and could provide the town with terms similar to those offered for the Fire Department.

Mr. Ruderman reported he has provided the Town Administrator with approximately 13 slides that he is proposing be presented at Town Meeting and expected he would need 15 minutes of time to review the slides.

General discussion took place about the proposed return on investment. Mr. Ruderman stated he would be willing to provide further breakdown of the potential savings on the slides as the board requests.

Ms. Andersen asked if contract language had been finalized. Mr. Sterndale reported it is still being worked on, and the contract language did not need to be completed before Town Meeting. Town Meeting will authorize the board to take needed action on any future installation contracts.

Ms. Andersen expressed concern about snow dropping off the panels and roof blocking emergency exits for employees. Mr. Ruderman reported the design would take that into consideration and leave space in the installation that wouldn't block the exits.

Chair Danis asked to include additional information about financing in the slides, including information about the possible cost savings. Mr. Ruderman reported he would include additional information, on a slide and verbally.

The board members thanked Mr. Ruderman for attending. Chair Danis stated Mr. Eaton would offer the motion to accept the warrant article and a specific request to allow Mr. Ruderman to speak at Town Meeting would be expressed to the Moderator.

**General Business:**

Town Meeting Prep: Mr. Sterndale stated the board would have a summary sheet of the Town Meeting actions. Mr. Sterndale reported it would be up to the board members to decide how in depth they would discuss the introduction on the USA Springs warrant articles.

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Ms. Andersen reported she did not plan on using slides to introduce the USA Warrant Articles, but would be willing to do so if it would be beneficial. Chair Danis recommended summarizing the background and reason for the warrant articles.

It was stated the Budget Committee Chair would present the budget.

USA Springs: Mr. Sterndale reviewed the latest legal information about the USA Springs proceedings. The Town is waiting for the tax deeding timeline to end, on April 6, 2017 to take the property by tax deed. Discussion and work continues with the sale of the cell tower easements, with the expectation to closing prior to the tax deeding deadline.

Mr. Sterndale reported the Select Board could make the motion to take action on the tax deeding process, and specific language has been provided by the town attorney.

**Motion:** by Ms. Andersen, second by Mr. Eaton Whereas,

- A. The following properties have been subject to bankruptcy proceedings in the case of *in re: USA Springs, Inc.*, United States Bankruptcy Court, District of New Hampshire, docket # 08-11816: Lots 3-6-0; 3-9-0; and 3-10-0;
- B. But for that bankruptcy case, the tax collector would have been required by RSA 80:76 I to transfer the properties to the Town by tax deed on September 11, 2011; and
- C. The Town has obtained relief from the automatic stay under section 362 of the Bankruptcy Court by order dated February 28, 2017, which authorizes the Town to exercise its tax deeding remedies.

Accordingly, the Board of Selectmen:

- 1. In accordance with RSA 80:76 III, instructs the tax collector to issue tax deeds for the properties to the Town; and
- 2. Authorizes the Town Administrator to accept the tax deeds on behalf of the Board of Selectmen and to record the deeds in the Rockingham County Registry of Deeds on or after April 6, 2017.

**Vote:** 3 – 0 in favor.

Next Meeting: It was stated the Board would have five members at their next regular meeting. The agenda would include a review of previously accepted board operating guidelines. Ms. Andersen asked to include a more detailed explanation of the liability of retirement expenses.

Chair Danis reviewed that the Town Election will be held on Thursday, March 16, 2017. Town Meeting will be Saturday, March 18, 2017.

Chair Danis thanked the other members for a great year.

**ADJOURNMENT:** Having no further business,

**7:37 PM Motion:** by Mr. Eaton, second by Ms. Andersen to adjourn.

**Vote:** 3 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough