

Minutes
Nottingham Select Board Meeting
April 10, 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, Charles Brown, Anthony Dumas
Others: Town Administrator Chris Sterndale, Secretary Dawn Calley-Murdough, Gail Mills, Chris Mills, Judy Doughty, Romeo Danais

Approval of Manifest:

Motion: by Mr. Dumas, second by Ms. Andersen to approve the April 10, 2017 accounts payable manifest.

Vote: 5 – 0 in favor.

Approval of Minutes:

Motion: by Ms. Andersen, second by Mr. Dumas to approve the minutes of the March 27, 2017, as amended.

Vote: 5 – 0 in favor.

Approval of the March 27, 2017 non-public minutes were postponed.

Select Board Department/Board/Committee Reports:

Budget: Mr. Dumas reported the next meeting will be in May or June to elect officers.

Planning: Ms. Andersen reported the Planning Board hasn't meet since the last meeting. The agenda for Wednesday, April 12th will be to review board priorities for 2017 and a conceptual design for a camp ground for property on Route 4.

Town Administrator Reports, Mail, Signature Items:

Solar: Financing for the Community Center and Fire House will be completed by ReVision. Engineering is being completed and hopefully will be available by the next meeting.

Lakeview Drive Roadwork: Road reconstruction will start soon. The walk on Lakeview Drive took place with the Road Agent, engineer and property owners to discuss the proposed road reconstruction and answer questions about the upcoming road work plan.

Chair Danis felt the meeting went very well and was positively received. Chair Danis recommended and supported the Select Board and town continuing to hold proactive type meetings to communicate and give citizens the opportunity to ask questions about future town activities and projects.

Recreation: An Easter Egg hunt was held with approximately 50 families in attendance, and was considered a huge success.

Legislature: The Senate and House have completed their hand off day; the swapping of bills between houses. There are some bills the town will keep an eye on for potential future law changes.

The House did not pass a budget. There is an expectation to continue seeing a steady amount for Meals and Rentals revenue, it is possible the highway block grant might increase but won't necessarily impact Nottingham as local bridges are in good shape, there is an expectation of possible changes to the law and potential increases in financing retirement costs for NH Retirement

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employees that transition from full time to part time which could end up being an additional payroll expense, and the House and Senate continue to look at how to address the postponement of March 2017 and future Town Meeting elections.

After discussion the board decided they would provide a written statement supporting the bill regarding the issues surrounding postponement of the March 2017 elections.

Appointments: NONE

General Business:

Hazard Mitigation Plan Approval: Mr. Sterndale stated the board received an electronic copy of the report, one hard copy was available for review as well. This report was an update from the same report prepared five years ago. The Hazard Mitigation Report, with procedures, is needed during emergency situations.

Motion: by Ms. Andersen, second by Mr. Brown to adopt the 2017 Multi-Hazard Mitigation Plan.

Vote: 5 – 0 in favor.

Rockingham County Fiscal Changes: Mr. Sterndale reviewed the proposed change to the Rockingham County budget, which they intended to move from a calendar year to a fiscal year.

Concern was expressed about how the change will impact towns financially and increasing property taxes.

Mr. Sterndale reported the towns with larger county payments are concerned about having to finance 18 months in the regular 12 months period, resulting in a much higher one year payment. Rockingham County legislature and staff continue to discuss how the change will be implemented, how much of the county fund balance should be used to offset property tax increases, and how that fund use would impact previously planned projects. The Select Board will need to make a decision on how, or if, they want to respond in any way to the county.

Ms. Andersen stated while Nottingham does not have as large of a financial impact, a letter should be sent asking for a way to level out the financing. Chair Danis and the other members agreed and asked Mr. Sterndale to write a letter on behalf of the board.

Cable Franchise: Mr. Sterndale stated Nottingham School and the School Board is requesting use of franchise funding for needed upgrades to school audio and video equipment. This will provide them with a portable system that is similar to the town system, improved/repaired audio, and provide the School with their own Leightronix Video system. The work will take place over the next several months for a current total of \$23,374.00. The town is also trying to solve audio issues and has purchased a secondary microphone for audio recording.

Ms. Andersen stated if the portable system will provide better audio and video for Town Meeting this approval will also benefit the town. Mr. Dumas felt some of the expenses listed appear to be higher than necessary and requested additional details about the service contract. The board discussed going with one equipment/service provider versus purchasing individual pieces of equipment.

Motion: by Mr. Brown, second by Mr. Eaton to authorize the expenditure of \$23,374.00 from the Cable Franchise Fund for equipment for the school and \$80.00 for town equipment.

Vote: 4 in favor. Mr. Dumas opposed.

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Appointment Request Deputy Tax Collector: The Select Board discussed the appointment request of Heidi Seaverns to Deputy Tax Collector. After discussion the board agreed to the appointment.

Motion: by Mr. Eaton, second by Mr. Brown to approve the appointment of Heidi Seaverns as Deputy Tax Collector.

Vote: 5 – 0 in favor.

Chair Danis asked for a five minute recess at 7:25 pm and reconvened at 7:30 pm.

New Town-Owned Property/Route 4: Mr. Sterndale reviewed the most recently received and currently available information regarding the physical condition of, bankruptcy issues, repurchasing right, contamination concerns/issues, the cell tower easement, and the next steps on the newly owned town property located on Route 4.

A walk of the property was completed by the Town Administrator, Building Inspector, Police Chief, Fire Chief, and the Road Agent. This walk determined needed actions to address property and property buildings access and safety concerns. The buildings are in very rough shape, almost falling down, you can see outside through the roofs, and lots of standing water. The smaller office building should be demolished as soon as possible. There is a little concern about trash dumping and ATV's driving on the property but steps will be taken to close off vehicle traffic.

No trespassing signs are being posted, the Road Agent will block off specific areas from vehicle access, and the lock on the gate has been changed. These and other small steps will make the property a little safer. The board should expect a quote by the next meeting for the demolition of the small office building.

The bankruptcy case continues but the town should have little involvement in the remaining details, especially as the town has taken ownership of the property.

In regards to post tax deeding action; the town is the current property owner. The prior owner, and those with a vested financial interest in the property have the right for re-purchasing within a minimum three year time period. Re-purchase includes payment of all back taxes and interest, up to the date of re-purchase, along with any related expenses the town has incurred with the actual tax deeding and managing the property after deeding the property.

Mr. Sterndale reviewed there is a slight possibility of someone coming up with an agreement with Roswell for their owed mortgage rights, although there are a lot of questions that would be involved. There is no real indication of how serious this scenario could be and there has been no recent communication about the cost to re-purchase the property.

Mr. Sterndale reviewed the questions about property contamination and stated the prior clean up of VOC's appears successful. The next step is to meet with NHDES to determine possible recommendations for any additional testing, and Select Board members will need to determine if they want to attend that meeting. Chair Danis and Ms. Andersen stated they both would want to attend.

The town does have liability protections, the Safe Harbor Protection; the town does not take ownership of any potential contamination liability just because we now own the property. However, in order to maintain that protection the town cannot take action with the property like a regular landowner, for things like sub-division of the property. The town can change how they deal with the property when there is no longer a contamination concern.

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Chair Danis asked about determining the potential cost of the contamination liability. Mr. Sterndale reported he doubted the town would find anyone that would be willing to discuss possible expenses; the expense could be unlimited.

The town can now possibly prevent any future ground water withdrawal by taking action as a land owner, but only when the contamination concerns are addressed. These restrictions could include deed restrictions on the property.

Mr. Sterndale reported the cell tower lease will continue as currently established, there is little the town must do, and will soon receive payments on that lease.

There is also the expectation to receive communication from Barrington about an easement on the back side of the Nottingham property. Barrington may ask the town to include the wetland areas into an easement at some point in the future.

Ms. Andersen asked if the remediated contamination included all three parcels and if not, can action take place on non-contaminated parcels. Mr. Sterndale reported additional information is needed from NHDES to determine the possible location of source contaminants, and if no contaminants are found, the town could take action on those parcels.

Ms. Mills asked if the board would get town citizen input about the future use of the property. Chair Danis stated the current board hasn't discussed the use of the property in any form and expects there will be citizen involvement.

Mr. Mills asked if the property is being treated as three parcels, and if so could the well parcel be re-purchased separately. Mr. Sterndale reported only a party with a vested interest in the property could re-purchase, and it could be possible on a single parcel. However, re-purchasing only one parcel would more than likely invalidate the previously given zoning rights and special exceptions. Mr. Mills recommended asking for legal opinions about the re-purchase ability of the well parcel only and the invalidation of the special exceptions.

Chair Danis thanked Mr. Sterndale for all the hard work he has completed to get the town to this point in the process. It has been a lot of hard work, and time addressing all the complications and scenarios over the past year.

Mr. Eaton thanked the citizens for their efforts in helping to stop a water bottling plant.

ADJOURNMENT: Having no further business,

8:15 PM **Motion:** by Mr. Eaton, second by Ms. Andersen to adjourn.

Vote: 5 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough