

**Minutes**  
**Nottingham Select Board Meeting**  
**October 23, 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, Peter White

**Approval of Manifest:**

**Motion:** by Ms. Andersen, second by Mr. Brown to approve the October 9 and 23, 2017 accounts payable and October 10 and 24, 2017 payroll manifests.

**Vote:** 4 – 0 in favor.

**Approval of Minutes:**

**Motion:** by Ms. Andersen, second by Mr. Eaton to approve the minutes of the September 25, 2017, as amended.

**Vote:** 3 – 0 in favor. 1 abstain.

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

**Planning:** A meeting is scheduled for October 25 and impact fees will be reviewed.

**Budget:** Mr. Sterndale reported the committee met and he provided information about 3<sup>rd</sup> quarter 2017 town financials with only a few questions.

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

**Town Admin.:** Mr. Sterndale stated the town has no vacancies in any department, which hasn't taken place in a long time. New hires include Jeremy Lavoie and Megan Dionne as full timers for the Fire Department, Nick Descovich as a Police Officer, and Russ Bookholz and Dennis Pellitier as new Building Inspectors.

**Recreation:** The Recreation Department has coordinated Halloween activities with the Blaisdell Memorial Library and the Nottingham School PTA for a variety of activities. Activities start at the library at 11:00 am on Saturday, October 28<sup>th</sup>.

**Financial:** The town changed banks, to TD Bank.

**Roads/Highway:** The second phase of road construction has started for the Maple Ridge Road/Development project. The majority of work will be completed in the fall, with wrap up in the spring. Lots should start to be sold starting in the spring. Work will be taking place off Mitchell Road and Friar Tuck.

The second phase of Lakeview Road repair is almost complete, with the expectation that road grading and road paving will be completed later in the week.

Mr. Sterndale distributed traffic counts to the Select Board and a decision will need to be made about future discussion with the public. Chair Danis reported stated it should be part of the regular CIP and Budget discussion, which the public can attend. Ms. Andersen asked if the public expected a special meeting to review the results. Mr. Sterndale reported there was mention of getting back with people about decisions. General discussion took place about proposed road work and Mr.

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Brown stated the former Road Agent provided the town a work list, and the Select Board could decide to slightly increase the amount of work every year.

Police: A police vehicle was hit and expects a bill for approximately \$5,000.00 worth of repairs.

Budget: Budget worksheets have started to arrive and the 1<sup>st</sup> draft will be provided to the Select Board soon. The Fire Department expects to purchase a fire engine to replace what needs to be replaced, as well as breathing apparatus. The Highway Department may need a 1-ton truck.

Preliminary Health Insurance rates have dropped approximately 6%; this is based on a consolidation of plans by the Health Trust and employees participating in finding lower cost care expenses.

**General Business:**

Dame School: Mr. Sterndale reviewed the received proposal to complete general building maintenance and construction of a new ramp at the Dame School. The ramp will be installed at the back of the building and the back door will need to be widened. The town received \$6,200.00 in a grant, based on the hard work of Leanne Gast. A storage shed will need to be moved to install the ramp. Additional work will be needed to complete the grant paperwork in July 2018.

Chair Danis asked if the ramp will impact the historical designation of the building. Mr. Sterndale reported the building lost its designation on the registry of National Historical Buildings because of a prior location move but the Historical Society members are working hard to gather information and filing necessary paperwork to get it put back on the National Historical Building registry.

Motion: by Mr. Brown that this municipality shall enter into a contract with the State of New Hampshire, acting by and through the Department of Natural and Cultural Resources providing for the performance by this Municipality of certain services as documented within the foregoing grant application, and that the official listed, Chris Sterndale, Town Administrator, on behalf of this Municipality, is authorized and directed to enter into the said grant agreement with the State of New Hampshire, and that they are to take any and all such actions that may be deemed necessary, desirable of appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of this Municipality in order to accomplish the same. Second by Mr. Dumas.

Vote: 5 – 0 in favor.

Motion: by Mr. Dumas that the Select Board hereby encumbers up to \$7,164.00 of the 2017 appropriation for painting, repairs, and improvements to the Dame School. Second by Mr. Eaton.

Vote: 5 – 0 in favor.

**Appointments:**

7:00 pm – Nottingham Water Alliance: Gail and Chris Mills thanked the Select Board for giving them time to present the materials they will propose as a warrant article in 2018. Ms. Mills reviewed the purpose of the Community Bill or Rights Ordinance, which should help the town prevent corporations from constructing water plants or eliminating toxic waste, and allow the town to sustain a useable water source. Mr. Mills stated this new ordinance may provide the town further support to prevent unwanted activities, which was previously started with the passed Water Rights Ordinance.

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Chair Danis asked if CEDLF has been able to successfully defend this type of ordinance. Mr. Mills stated he did not have an answer for the board and he didn't know how many have been challenged.

Mr. Dumas asked how the Declaration about the current system of government being illegitimate would be explained; how do you prevent people from assuming it is a declaration of independence from the state or nation. Ms. Mills stated towns have lost a lot of power over local rights, which are given to citizens by The Constitution; lost to corporations and state and federal government. Mr. Mills stated just because there is a state or federal regulatory law, doesn't mean it is what local citizens believe is right for their local community. This ordinance is the ability for the Select Board to reclaim the right to make their own decisions, beyond the regulatory law.

Ms. Andersen asked if the definition of toxic waste would impact local farmers and asked for further clarification in the ordinance to prevent any confusion, and if there was any justification for the dollar amount of the fine proposed in the enforcement section and can they be increased. Ms. Mills stated it is not meant to impact farmers or the rights of individual people, only corporations. Mr. Mills stated the intent of the fine is to give the town authority to impose fines on those violating the ordinance.

Chair Danis asked if the town has the legal authority to impose that type of fine. Mr. Sterndale reported under state law the Select Board does have authority to impose fines, but that authority is given to the board only regarding issues as provided by the NH Legislature and local laws. This ordinance is untested and he isn't sure how much authority the Select Board would have to take action on these fines.

Chair Danis asked if Mr. and Mrs. Mills would hold public education sessions regarding the ordinance, and if action is trying to take the ordinance to the state level. Mr. Mills stated there is will be sessions to inform the public and there are groups looking to change the matter at the state level.

Mr. Eaton stated he sees the ordinance helping to address the current water and toxic waste concerns, and supports the idea of this type of ordinance, asking if there are other communities taking similar action. Mr. Mills stated there are other communities that target other areas, such as housing construction. However, this ordinance provides the ability to broaden the rights of local communities to make decisions for the well being in their own community separate from state control.

Ms. Mills stated the agreement of CELDF is to help the town support the ordinance legally. However the town would have to pay for their travel expenses.

Mr. Sterndale asked if the Zoning Ordinances should be reviewed to determine if other steps are needed to further support the proposed Bill or Rights ordinance. Mr. Mills stated he believes it gives the board more authority to establish and or enforce zoning ordinances. Ms. Andersen stated the Planning Board could review the Zoning Ordinance to determine if additional steps could be taken.

People can receive further information regarding the proposal by contacting the Mills and a pamphlet was provided.

7:30 pm – Gene Reed: Mr. Reed was unable to attend the meeting.

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

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**7:28 PM Motion:** Motion by Mr. Dumas, second by Mr. Eaton to enter non-public under RSA 91-A:3 II(b) and (I).

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

**8:10 PM Motion:** Mr. Dumas, second by Ms. Andersen to exit the non-public session.

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

**Motion:** Ms. Andersen, second by Mr. Brown to seal the non-public minutes of October 23, 2017.

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

The Select Board returned to public session.

Having reviewed advice of counsel in non-public session, the board continued discussion of impact fee expenditures. Discussion centered around the various opinions of the board's attorney, school district attorney, and impact fee consultant. There was agreement that the board has some discretion in making the decision, and it was noted that the work is essentially complete and the amount is relatively small.

Motion: Ms. Andersen, second by Mr. Eaton, to affirm the prior decision to use impact fee funds for the school enrollment and space needs assessment.

Vote: 5 – 0 in favor.

**ADJOURNMENT:** Having no further business,

**8:26 PM Motion:** by Mr. Brown, second by Mr. Dumas to adjourn.

**Vote:** 5 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough