

## Nottingham Select Board Meeting

02/05/2024

### APPROVED Selectmen Meeting Minutes

**Approved as amended on February 20, 2024.**

#### **Call to Order**

**Members present:** Ben Bartlett, Tim Dabrieo, John Morin, and Steve Welch.

**Members of the public:** Please refer to the sign up sheet at the end of this document.

**Members Excused:** Matthew Shirland.

**Pledge of Allegiance:** The meeting began with the Pledge of Allegiance.

#### **Approve Manifests A/P 2/05/2024 and Payroll 2/06/2024**

*Mr. Dabrieo made a motion to approve the manifests for 2/05/2024 and Payroll 2/06/2024. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Moring - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Bartlett – aye.*

#### **Approve public minutes 1/22/2024**

*Members reviewed the 1/22/2024 draft minutes and made several changes.*

*Mr. Welch made a motion to approve the public minutes for 01/22/2024 as amended. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Moring - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Bartlett – aye.*

#### **Approve nonpublic minutes 1/22/2024**

*Members reviewed the 1/22/2024 draft minutes and made several changes.*

*Mr. Dabrieo made a motion to approve the non-public minutes for 01/22/2024 as amended. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Moring - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Bartlett – aye.*

#### **BOS Reports from Assigned Boards/Committees: Budget, Planning Board, CIP, Marston.**

##### **Budget Committee**

- Budget for the season is finalized.

##### **Planning Board**

- A recap meeting was held for a subdivision project on Smoke Street.

## **Nottingham Select Board Meeting**

**02/05/2024**

### **APPROVED Selectmen Meeting Minutes**

- The project had not been presented for almost a month and a half, prompting the recap meeting.

#### **CIP Committee**

- Has not met since the last general meeting.

#### **Marston**

- Has not met since the last general meeting.

#### **Town Administrator Report**

The following was read from the Town Administrator's report:

##### **- Recycling Center Well -**

Mr. Trant has contacted a few well companies to come out and assess drilling a new well at the Recycling Center. Quotes received have been included in the packets this evening. Mr. Dabrieo noted that the quotes were not in the packet.

Allan Trant, Buildings and Facilities Manager introduced himself and presented the quotes from two companies for the Recycling Center well. One was for \$11,300 from Gap Mountain and for \$13,300 from Capital Well. Both quotes do not include electrical and digging work, which will be done by the Town staff.

There was a brief discussion and concerns were raised about potential drilling obstacles, such as encountering ledge, and the discussion briefly touched upon the recommendation to keep the new well close to the existing location. Additionally, there was a mention of past excavation work on the property and the possibility of needing to jackhammer through obstructions for trenching, with safety measures discussed to prevent future damage.

Mr. Trent also discussed the following with the Board:

1. Electrical Demolition and Retrofit:
  - Quotes for demolishing the backroom electrical setup.
  - Estimated around \$75 to \$90 per hour for the demo portion.
  - Proposed plan includes removing partition walls and relocating the panel.
2. Fire Department Roofing Repair:
  - Pricing obtained for repairing leaks and replacing the roof on the old firehouse.
  - Suggestion to switch from metal to asphalt shingles for cost-effectiveness.
3. Town Hall Gym Floor Repair:
  - Erikson Foundation Solutions proposed two-part foam epoxy for replacing the vinyl flooring.
  - Further details to be examined regarding the method and lifespan of the repair.
4. Future Projects and Planning:

## Nottingham Select Board Meeting

02/05/2024

### APPROVED Selectmen Meeting Minutes

- Discussion on potential expansion of office space, utilizing funds from Rec revolving.
- No concrete figures yet, but preliminary discussions with contractors have begun.
- Tentative timeline for starting the office expansion project in July, considering the Town Hall's summer usage.

#### 5. Media Room and Conference Room Plans:

- Proposal to convert the current office space into cubicles and designate the back left corner as a meeting room.
- Input from the Rec Department staff and involvement in the design process suggested.

#### - Oil Tank at the Old Fire Station -

The oil tank at the old Fire Station would not pass inspection necessary for Irving Oil to fill it. It was last filled in 2014. An initial quote received to replace it from Irving Oil was in excess of \$4,000. The Town was able to acquire a new 275-gallon tank for just over \$1,000 and the installation was donated by a resident in Town.

#### - Employment Opportunity -

Mr. Bartlet noted with great regret the resignation of Administrative Assistant/Assessing Coordinator Kelly Dallaire effective this Friday. Advertisement for this position vacancy is underway and he added that it has been a pleasure working with Ms. Dallaire, as she has been integral to the efficient operation of the Town office and will be sorely missed. All other members joined Mr. Bartlett in thanking Ms. Dallaire for her hard work.

#### - Deliberative Session Recap -

An efficient meeting was held although there were some audio and technological issues experienced. The voter's guide is being prepared and will be posted to the Town's website which will provide additional information to the voters.

To follow up on questions raised during the deliberative session, Ms. White provided the following information in response.

Ambulance Special Revenue Fund (SRF):

2023 expenses \$32,000

2023 revenues received \$70,000

Ambulance SRF bce \$235,000

SPECIAL REVENUE FUNDS RSA 31:95-c authorizes Towns to create nonlapsing funds into which they will place the revenue from fee-generating facilities such as municipal airports and solid waste facilities. However, these funds are not exempt from the budget appropriation process.

## Nottingham Select Board Meeting

02/05/2024

### APPROVED Selectmen Meeting Minutes

Special revenue funds, while exempt from lapse, **cannot be spent without an appropriation**. They can only be spent after a later Town meeting vote, for a purpose connected with the facility or program generating the fees. There is no authority in the law to appoint agents to expend special revenue funds.

#### - 2022 Financial Statements / 2023 Audit Status Update-

The 2022 Financial Statements were finalized just after the first of the year. The field review for the 2023 audit was scheduled to start mid-January but was delayed until mid-February due to weather conditions.

- **Seth Peters (7 pm appointment)** has been postponed until the meeting on February 20, 2024.

Mr. Morin said that the Board received a letter from Owen Friend-Gray regarding his new engineering company. Owen, who is an engineer for the city of Manchester and a lifelong resident of the Town of Nottingham, is introducing his new venture offering engineering services for various projects. He sits on the budget committee. The letter serves as an introduction to his expertise and the services his new company will provide to the Town in the future.

#### - Policies Review/Update:

The Safety Manual presented in the packets was created by the Joint Loss Safety Management Committee almost two years ago but was never adopted. This manual has been sent to Primex for their review/recommendations and should be ready for adoption at your next meeting.

Additionally, the no smoking policy, also presented by the JLSMC, should be considered for adoption, to also be included in the Town's personnel policy update but should be a standalone policy in order to enforce on the Town properties referenced. This was also deferred to the next Board meeting.

#### Action Items from Last Meeting

There were none to discuss.

#### General Business

##### Deliberative Session Review

The deliberative session was commended for its smooth operation, and all the staff and volunteers involved in preparations and running it were highly praised for their efforts. The turnout was noted to be quite significant.

Mr. Morin also expressed concerns over the lack of sign-ups for the Nottingham Planning Board, despite two open positions for three years. The Planning Board was emphasized as crucial for the Town's development, handling matters such as subdivisions and future projects. The invitation was extended to anyone interested in joining the Board, highlighting the opportunity to contribute to the Town's growth and learn about its developments. With the potential departure of another

## Nottingham Select Board Meeting

02/05/2024

### APPROVED Selectmen Meeting Minutes

member, ensuring quorum for decision-making was noted as a potential challenge if the positions remained unfilled.

Then the discussion focused on the proposed smoking policy, addressing concerns about enforcement, designated smoking areas, and signage costs for Town-owned facilities. Further information and input from Ms. White were deemed necessary, leading to a decision to postpone action until the next meeting.

#### Public Comment

- Doug Bates, 30 Lamprey River Road, addressed the Board with a complaint against the Town Attorney. He alleged that during the session, he was prevented from placing a motion for a vote due to what he deemed as incorrect legal advice provided to the moderator by the Town Attorney. Mr. Bates argued that this action infringed upon his right, as a citizen, to bring up topics for discussion and vote. He referenced guidelines from the New Hampshire Municipal Association, emphasizing citizens' rights in such matters. Mr. Bates further contended that this incident was not an isolated one and suggested it was indicative of broader issues with the Town Attorney's performance. He pointed to past legal matters, including the handling of the Fire Chief termination, chemical trespass ordinance, Camp Roads lawsuit, and Kevin Basset's easement location issue as examples of what he perceived as inadequate legal advice. Mr. Bates also criticized the Attorney's handling of his own complaint to the Right to Know Ombudsman.
- Kathy Cinfo, 23 Little River Road, spoke about the gentlemen with the polluted well who was denied a well replacement due to lack of insurance coverage. She suggested that resolving such matters outside of court would be a more cost-effective approach for the Town.
- Gene Reed, 345 Stage Road, expressed dissatisfaction with the fact that he did not receive the questions that were posed to the Town Attorney about impact fees in the response he received from the Town Administrator. Mr. Reed requested not only to see the question but also the answer from the Town Attorney that was given to the Town. He argued that the allocation of impact fees should adhere strictly to legal requirements and only tied to new development, questioning whether recent expenditures, such as drilling the well for irrigation or building dugouts at Marston, met these criteria. Mr. Reed emphasized the need for clear communication and adherence to legal guidelines in all financial matters. Additionally, he inquired about potential funding sources for addressing the broken well and sought clarification on past expenditures, including the Marston parking lot project.

Mr. Morin asked Mr. Reed if he had his statement in print to submit to the Board, and Mr. Reed said that he will email the Board later.

- Jay Vilchuck, 106 Mountain Road, raised concerns about the violation of the State Fire Code for holding meetings in this room. He pointed out that the permit is outdated and lacks the current Fire Chief's signature, urging the Board to address this issue promptly.

## Nottingham Select Board Meeting

02/05/2024

### APPROVED Selectmen Meeting Minutes

He also noted that there are many such assembly places in Town, like the gymnasium and the school, which need to be looked into.

#### Non-Public Session

*Mr. Dabrieo moved to enter non-public session at 7:22 PM pursuant to RSA 91-A:3, II (a) and (c). Mr. Welch duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.*

Non-public session was entered at 7:22 PM

*Mr. Dabrieo moved to exit the public session at 8:40 PM, Mr. Welch duly seconded. Motion carried with a 4:0 roll call vote in favor. . Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.*

#### Resumption of Public Session

*Mr. Dabrieo moved seal the minutes of the non-public session, Mr. Welch duly seconded. Motion carried with a 4:0 roll call vote in favor. . Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.*

The public session was resumed at 8:40 PM.

#### Adjournment:

*Mr. Dabrieo moved to adjourn. Mr. Welch duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.*

The meeting adjourned at 8:40 PM.

Prepared by Alvina Snegach from video recording

Nottingham Select Board Meeting

02/05/2024

APPROVED Selectmen Meeting Minutes

DATE: 2/5/2024

BOARD OF SELECTMEN MEETING

	NAME	ADDRESS
1.	Kathy Cinfo	23 Little River Road
2.	Doug Gates	30 Lamprey
3.	Chelli Tennie	17 Robin Hood Dr
4.	Allan Trant	20 Gravel Pit Rd
5.	Sandra Weston	345 Stage Rd
6.	Glenn GENE REED	" " "
7.	Dawn Fernald	66 Fernald Dr
8.	Joe Fernald	66 Fernald Dr
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