

Nottingham Select Board Meeting
03/20/2023
Approved As Amended 04/17/2023

Call to Order

Members Present: Chair Donna Danis, Vice Chair Tony Dumas, John Morin, and Ben Bartlett.
Others: Interim Town Administrator John Scruton, Town Administrator Ellen White, and Doug Bates.

Members Excused: Tiler Eaton.

Chair Danis opened the meeting at 6:30 PM with the Pledge of Allegiance.

Approve Manifests

Mr. Dumas made a motion to approve the accounts payable manifest of 3/6 & 3/20/23 and payroll manifests for 3/7 & 3/21/23. Mr. Bartlett duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Approve Minutes

Ms. Danis said that there were some minor corrections suggested by Ms. Dallaire.

Mr. Dumas made a motion to approve the draft 02/27/2023 public minutes as amended. Mr. Bartlett duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Mr. Dumas made a motion to approve the non-public minutes from 02/27/2023 as presented. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

BOS Reports from Assigned Boards/Committee: Budget, Planning Board, CIP, 300th, Marston

Mr. Morin provided a report on the recent Planning Board meeting. He opined that there was an application that had been approved a little too quickly without many questions asked about the specifics of the application or any comments from various Town departments. He said it was for a farm that had asked to hold up to 20 events there per year. Mr. Morin noted that the Planning Board had deliberated longer on much smaller projects and said he was very surprised how this particular case was approved so quickly. He urged the other Selectmen to review the minutes from that meeting.

Ms. Danis provided an update for the Marston property, where work is underway to get the dugouts built. Mr. Scruton provided an update for the water testing for the new public water source, which he said was given to Gary at the irrigation company who has not yet responded. Mr. Scruton said that this week the management will start talking to two engineers from Jones and Beach to see if one of them would volunteer to do the engineering part of this project and get them to submit it. Mr. Scruton said that if a volunteer does it, it may take longer versus hiring someone, which comes with a price.

There was some back and forth about the well radius and its protection and how the fields nearby may be problematic. Mr. Scruton said that this is why the engineering review is needed to get the facts and numbers before submitting. He added that if there is no volunteer found this week, Ms. White can start looking for an engineer for hire.

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Ms. Danis introduced Ellen White, the new Town Administrator, and welcomed her to the Town. She also thanked Mr. Scruton for working with the Board and doing a great job.

Town Administrator Report

Mr. Scruton spoke about the following:

1. **Action:** Since school is scheduled on 3/28/2023, the Town Meeting cannot be held there. Mr. Scruton asked whether the Board would approve moving the town meeting to the Town Hall? *Mr. Dumas made a motion to move the Town Meeting from the school to the Town Hall on 03/28/2023. Mr. Bartlett duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.*

2. **Action: The lighting in the gym needs replacement.** To put in all new LED is estimated between \$1,800 and \$2,500. He added that a scissor jack will have to be rented for the job to be done. Selectmen also asked if the ceiling tiles could be replaced while the equipment is there. Mr. Scruton said he will look into it and get back to the Board.

3. **Action: Next Board of Selectmen meeting, date and time.** Meeting is scheduled for 3/27, but Mr. Scruton suggested to hold the next meeting after the Town meeting. Mr. Scruton explained that according to RSA 669:10 sets the rules for those who are being elected to request a recount, and that the terms of those on the ballot continue until the end of the recount period, hence the “current board” remains in office until then. Mr. Scruton said that the dates that are provided for such requests mean that if a meeting is held on or after 4/3/2023 it will be the new Board. If a meeting is held before 04/3/2023, it would be the old Board. Ms. Danis noted that this is not how things were done before and thanked Mr. Scruton for clarifying the process. Ms. Danis asked Mr. Scruton to identify which items would be on the agenda for that meeting, which he said could be regarding ordering the 350 truck, moving the Recreation Department, or, if the meeting is after March 28th, things that may come up with voting having to do with the budget. There was a short discussion on whether the current Board should finish up before the new Board is in effect. The decision was to reschedule the 4/10/2023 to 4/03/2023.

4. **Action: Trails donations.** The Town has received a \$100 donation for the Conservation Commission Trails Committee. The Board has to approve acceptance of this and the Conservation Commission can expend it without further action unless they are purchasing an easement, etc. Mr. Scruton also cited RSA 36-A:4 which covers such donations and asked whether the Board would vote to accept this and other donations for the trails for the Conservation Commission?

Mr. Morin made a motion to accept a \$100 donation for the Conservation Commission Trail Committee. Mr. Dumas duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

5. **Action: Town Seal:** It has come to Mr. Scruton’s attention that the Town seal is being used by private individuals. It was also used by a political group last week giving an impression it was an official document from the town right down to the town betting the bill from the vendor. Mr. Scruton said that he believes that the Board needs to make clear the seal is owned by the Town and may only be used by the Town, its departments, boards, committees, and commissions. This action does not cost anything and is a simple vote. A more expensive and much longer step would be to trademark the seal. He suggested the former for now. Mr. Scruton asked if the Board would want to vote to restrict the use of the Town Seal to Town Government including Boards, Departments, Committees and Commissions and forbid the use by those not a part of municipal government? There was a short discussion of the Town already

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allowing some other entities to use the seal and how this vote will hopefully preclude someone from using the seal without the Town's explicit permission and that such use should be limited to Town related activities.

Mr. Dumas made a motion that the Board would restrict the use of the Town Seal to Town Government including Boards, Departments, Committees and Commissions and forbid the use by those not a part of municipal government with the exception of the Board's approval. Mr. Bartlett duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

6. **Action:** Mr. Scruton said that there is a need for a mission statement for the Public Works Department for an Asset Management Program which is a 100% reimbursed grant to collect drainage, swales, etc. He read the proposed statement as follows: "The mission of the Town of Nottingham is to enhance the quality of life in the town of Nottingham by providing professional public works services to safely and efficiently manage the Town's infrastructure." He then asked if the Board vote to approve the DPW mission statement?

Mr. Dumas made a motion that the Board would adopt the mission statement as presented by the Interim Town Administrator. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

7. **Action:** Questions have arisen over who we allow to link to the website. The issue becomes a First Amendment issue in that if you allow some you need to allow others. Mr. Scruton said that he would like to propose the Board adopt a clear policy. He asked if the Board would wish to develop a hyperlink policy for the website?

There was consensus that such a policy should be developed.

8. **Action:** The Town is advertising for a vacant position for an equipment operator and also for a foreman. Mr. Scruton requested this item to be tabled as there needs to be a discussion in a non-public session prior to any approvals.

9. **Action:** Pollinator Garden at Marston: Nathaniel LoVecchio, a Nottingham Eagle Scout, proposes as his final service project, a plan to establish a pollinator garden at Marston Farm Recreation Area. Kourtney supports it. It restores milkweed along with other plants that will help bring pollinators back to the community space. The location Kortney chose, will not be in the way from future development any time soon. Maintenance of these gardens typically consist of a mowing two times a year. He plans on connecting the garden to the trail system and install a few benches for relaxing. The use of manufactured wood-like material on the benches is recommended instead of actual wood. Mr. Scruton asked whether the Board would approve the project?

Mr. Morin made a motion to approve the Eagle Scout Project for a pollinator garden. Mr. Bartlett duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

10. **FYI:** It is likely the Transfer Station will be closed Thursday because of personnel issues.

11. **FYI:** After the storm there were three highway trucks away at repair shops, the 550 (no idea when it can get a new engine), the 350 (again) and one of the 10 wheelers for a hydraulic pump. The old 300 International is working great. As soon as Town meeting passes the Board needs to authorize replacing the 350. The bobcat at the transfer station is down and needs to be repaired (to get trade value). The management is contracting for work there until the new

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backhoe arrives or it is repaired. The Town needed to send a grader with chains after the big storm 3/14 to push snow back on Cooper Hill (only narrow opening and high banks.)

12. **FYI:** The Town Election is 3/28.

13. **FYI:** The Town will need engineering to get the well at Marston approved as a public water supply.

14. **FYI:** Timothy Witham has resigned as Animal Control Officer. Mr. Scruton said he is appointing Melissa Bacon to be the new ACO.

15. **FYI:** The Town vendor for copiers negotiated a better deal for the Town, reducing the cost of the buyout on Business Officer copier from the lease company down from \$2,611 to \$1,000.

16. **FYI:** The Public Works Director posted the roads with a 13-ton limit starting 3/10/2023.

17. **FYI:** There was a request to allow a logging company to upgrade a Class VI road for their operation on 175 acres. Shawn will be working them on what needs to be done. This is often done elsewhere. It will have to come to the Select Board for final approval. There was a question on whether logging operations are usually bonded which Mr. Scruton confirmed.

18. **FYI: Transfer Station:** An inspection was done on the new furnace that was recently installed in the Transfer Station. Dale (who did the inspection) had concerns with the LP Storage tanks on the outside of the building. This is part the system for the new furnace. The tanks are in high traffic area to both the public and town snowplows. He is requiring some type of protection for these tanks, either a jersey barrier or bollards which the management is planning to do. Dale only officially looked at the furnace inspection and not the rest of the building but he did note that there are a lot of things that are not in code compliance in that building. From a budget standpoint, he noted that the Town installed a new furnace in a building that is lacking proper insulation and even has holes in the wall. Basically, what he meant is that the Town is going to heat the outside and waste a lot of money. His recommendation is that the Town invests in upgrade of the insulating this building. It will only be a band aid fix but it will save money. Mr. Scruton said that he asked Shawn to work at that.

19. **FYI: Transfer Station:** It is becoming clear that the town needs a new recycling/transfer station facility in a new location. The Town has outgrown the current facility and the facilities are in sad shape.

20. **FYI: PFAS:** Attorney indicates discussions with attorneys for others of the 151 communities there needs to be more clarification before proceeding. Attorney General has also indicated that the Town should track costs to be reimbursed if the state is successful.

Mr. Bartlett spoke about his conversation with Shawn about the 550 truck motor which is about four months out at this point.

Mr. Bartlett also said that Steve Soreff was not able to be present at the meeting tonight but requested that Mr. Bartlett call him and put him on the speaker to address Ms. Danis and Mr. Dumas. Mr. Bartlett did call Mr. Soreff but the conversation was inaudible for the rest of the audience.

Mr. Bartlett and Mr. Scruton also presented some gifts to Ms. Danis and Mr. Dumas.

Assessing

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Mr. Dumas motioned to approve the Timber Yield tax for Map 75 and 74, Lot 1 for each; Map 3 , Lot 12-2; Map 3, Lot 12-1; Map 76, Lot 2-2; and Map 52, Lot 4-1. Mr. Bartlett duly seconded and the motion passed by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Mr. Dumas motioned to approve veterans credits for Map 70, Lot 17; Map 10, Lot 4/1-3, Map 52, Lot 10. Mr. Bartlett duly seconded and the motion passed by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Non-Public Session

Mr. Dumas moved to enter a non-public session per 91-A:3 ii (a) at 7:13 PM, which was seconded by Mr. Bartlett. Motion passed by a 3:0 roll call vote. Motion passed by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Non-public session was entered at 7:13 PM

Resumption of Public Session

Public session was entered at 9:40 PM.

Mr. Dumas moved to exit and seal the minutes indefinitely at 9:40 PM, Mr. Bartlett duly seconded. Motion passed by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Mr. Dumas moved to close the meeting at 9:40 PM, Mr. Bartlett Seconded. Passed 4-0.

Adjournment:

Mr. Dumas moved to adjourn the meeting. Mr. Bartlett duly seconded. Motion passed by a 4:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye, Mr. Bartlett – aye.

Meeting adjourned at 9:40 PM.