

Nottingham Select Board Meeting

03/18/2024

APPROVED Selectmen Meeting Minutes

Approved as amended on April 1, 2024.

Call to Order

Members present: John Decker, Steve Welch Matthew Shirland, and John Morin.

Members of the public: please refer to the sign in sheet at the end of this document.

Members Excused: Tim Dabrieo

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

Mr. Morin swore in Matt Shirland and John Decker as the re-elected and newly elected Board Of Selectman members.

Elect Chair & Vice Chair.

Mr. Shirland made a motion to nominate John Morin to the position of BOS Chair. Mr. Decker duly seconded and motion carried with a 3:0:1 roll call vote in favor. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin abstaining.

Mr. Welch made a motion to nominate Tim Dabrieo to the position of BOS Vice Chair. Mr. Shirland duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Assign Select Board Reps to Boards/Committees/ Departments.

Mr. Morin made a motion to nominate Tim Dabrieo to be the liaison for the Budget Committee. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Then the rest of the assignments were done by consensus as follows:

Planning Board liaison - John Morin;
Capital Improvements Committee - John Decker;
The rest of the assignments were to remain as is.

Then Department liaisons were identified as follows:

Mr. Morin - Parks and Recreation and Marston Property Committee;
Tim Dabrieo - the Recycling Center;
Mr. Welch - Police Department;
Mr. Shirland - Fire Department;
Mr. Decker - Highway Department.

Approve Manifests A/P 3/04/2024 and Payroll 3/05/2024

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Mr. Welch made a motion to approve the manifests for AP 3/18/2024 and Payroll 3/19/2024. Mr. Shirland duly seconded and motion carried with a 3:1:0 roll call vote in favor. - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin Mr. Decker abstaining.

Approve Minutes Public 3/4/2024 Non-Public 3/4/2024

Due to the absence of members who would constitute a quorum for approving minutes, the action was deferred to the next meeting.

Ms. White made an announcement that the hazardous waste collection day that was supposed to take place last fall, has been rescheduled to April 27, 2024 from 8 AM to noon. There will be no second hazardous waste collection day in the fall, and this would be the only event this year. It will take place at the Raymond Safety Complex off industrial Drive and Old Manchester Road.

Town Administrator Report

Ms. White presented the following from the Town Administrator's report:

1. Requested a motion to approve the appointment of Alana Kenney as Deputy Town Clerk, which is what the newly re-elected Town Clerk asked for.

Mr. Shirland made a motion to approve the appointment of Alana Kenney as Deputy Town Clerk. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

2. Requested a motion to approve the reappointment of Sam Demerritt, Susan Mooney and Mary Colvard to the Conservation Commission.

Mr. Welch made a motion to approve the approve the reappointment of Sam Demerritt, Susan Mooney, and Mary Colvard to the Conservation Commission. Mr. Shirland duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

3. A Special Event License Application has been received from Kubota Trust for the Northeast Watercross Events to be held in June, August, and September this year. All applicable departments have reviewed and provided the feedback shown on the attached license. Per the Special Events Licensing Policy, all events over 100 people should apply through the Town Administrator and subsequently The Board of Selectmen. Ms. White also went over various requirements and payments for such events.

Ms. White asked if the Board had a preference of letting her deal with the application or if they wanted to meet with the applicant and discuss the details.

Discussion ensued about the need to invite the applicants and to discuss the details given how big this event has become and the fact that it is held three times a year. It was also suggested to look

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up how Fremont handles one of their big events before the applicants are there to present details to the Board, which would be in April 1st.

4. Requested a motion to authorize the Town Administrator to execute the lease agreement with Emi's Porta Potty's for one year. The lease was in the packet and the only change was that Emi's Porta Potty's would be paying for its own heating costs for the use of the building in the fall and winter months, which is what they volunteered to do. The lease would be from May 6, 2024 to May 6, 2025.

After a survey of members and no issues raised, *Mr. Shirland made a motion to authorize the Town Administrator to execute the lease agreement with Emi's Porta Potty's for one year from May 6, 2024 to May 6, 2025. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.*

Ms. White also noted that she had prepared a lease for Clarence Beaudette who is also interested in renting a bay and a half in that same building. She will have a list ready for the Board to discuss at the next meeting.

5. Requested a motion to approve the Nottingham, Fire and Rescue Department (NFRD) Bylaws as amended. The department itself has approved the rules, but there is no record of the Board of Selectmen approving them.

Mr. Shirland made a motion to approve the NFRD bylaws as amended and presented in the meeting packet. Mr. Welch duly seconded and motion carried with a 3:0:1 roll call vote. Mr. Morin - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Decker - abstained.

Appointments - times tentative and subject to change

7:00 - Kevin Bassett

Ms. White reiterated Mr. Bassett's petition (according to RSA 231) to the Board to lay out the road and set its width as the said road is going through his property.

Mr. Morin noted that as per advice of Town Counsel the width of the road should be 25 feet.

Ms. White continued that once there is a survey done that identifies the road layout, the Board should conduct a public hearing.

After a lot of back and forth on the lack of history of how that road came to be and what would happen if Mr. Bassett were to further subdivide his land, it was noted that the legal response to Mr. Bassett's questions is not ready to be made part of the public record and that it would have to be summarized before the Board could vote to release it.

Discussion continued on whether the Town Counsel addressed all the questions asked by Mr. Bassett as he needed some of these answers to complete the survey.

In summary it was decided that once the survey is complete using the 25 ft road width, it would be necessary to identify where Indian Run and Lamprey Drive are, and to determine whether there will be a road easement for the town. Then the Board can proceed with a public hearing under RSA 231.

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Town Administrator Report (continued)

6. Ms. White presented the Board with the 2024 meeting schedule, which is the same as now, where meetings are happening on the first and third Mondays of each month excluding those that fall on a holiday. After a long discussion, it was determined to keep the schedule as is any changes are needed in the future, make them as necessary.

7. Emergency Management Director is starting the process of updating the town's Local Emergency Operations Plan (last updated in 2016). This will follow the update of the town's Hazard Mitigation Plan which is nearing completion.

8. Reminder – NH DOT will be holding a public hearing on the red listed bridge replacement on Route 152 over North River, this Thursday, March 21st at 6 PM at the Nottingham School.

9. The well has been repaired at the Recycling Center. The repair, new pump, tank, and pre-filter replacement and all replumbed – total cost will be \$8,600. Ms. White noted that she did contact Primex about insurance payout but she was not sure if this would be covered. She is still awaiting response

There was a brief discussion about fixing the well and that this was a long term repair. It was noted that voting for the warrant articles had recently shown that people are in favor of spending money on maintenance projects that will provide lasting outcomes as opposed to putting band aids on issues.

10. Ms. White said that the town had a mobile shredding service come out last Thursday and they shredded (6) bins of old documentation (ballots, title apps, registrations, etc.) that are no longer required to be kept per RSA 33-A, retention schedule. Additionally, a 20-yard container has been placed to begin cleaning out the rear of the community center.

Ms. White did some further research into the complaint policy that she located that was adopted by the Board of Selectmen in 2008. She also scanned the meeting minutes to see if this was the most recent version and found that it was repealed on 10/17/2016. Ms. White quoted the excerpt from the meeting minutes as follows: "Repeal of Policy/Ordinances: The Select Board reviewed the list of outdated and/or un-needed policies and ordinances, some of which were included in other recently updated policies. Motion: The Nottingham Select Board repeals the following policies: Policy on Building Permits on Private Roads adopted on July 10, 2003; Approved as Amended 10/17/2016 Policy for Being Placed on the Selectmen's Meeting Agenda approved June 30, 2003 & amended June 25, 2008; Policy for Filing an Official Complaint approved June 25, 2008;... Vote: 3 – 0 in favor." Absent any policy, Ms. White kindly requested that any complaints be submitted in writing to the Selectmen's Office and include contact information for necessary follow up.

Discussion ensued in whether a new policy or procedure is needed given the increased interest lately. Consensus was that having a generic complaint form may be helpful in easily tracking the status of complaints. Ms. White will work on a procedure to present to the Board at a future meeting.

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Correspondence

Ms. White provided some updates on the upcoming Recreation Department events.

Ms. White said that there is also a request from the Recreation Department to purchase new gym mats using the Rec revolving fund. The Director has obtained three quotes and her preferred one is from Dollamur Spott Surfaces for \$13,240. The old gym mats will be sold to offset the cost of new ones. Board approval is needed as the cost is over \$10,000.

Kortney Duball, Recreation Department Director was present to answer Board questions about the uses for those mats, the old mats, maintenance, current department fee structure, etc.

Mr. Decker made a motion to approve the purchase of gym mats from Dollamur Spott Surfaces for \$13,24. Mr. Welch duly seconded, and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Assessing

Mr. Welch motioned to approve the Intent to Excavate for Map 69 Lot 10. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Mr. Shirland motioned to approve the Gravel Tax Warrant for Map 69 Lot 10. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Mr. Shirland motioned to approve the Intent to Cut Wood or Timber for Map 39 Lot 13-8. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Mr. Shirland motioned to approve the Veteran's Tax Credit for Map 4 Lot 4-5. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Mr. Shirland motioned to approve the Svc-Conn Total Disability Tax Credit for Map 54 Lot 8-F. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Mr. Shirland motioned to approve the Solar Exemption for Map 1 Lot 47. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Morin - aye.

Review Action Items From Last Meeting

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Ms. White noted that the Safety policy is still being reviewed by Primex and she is hoping to present it to the Board at their April meeting.

Ms. White also said that the Smoking policy draft is ready and went over its main points, which are prohibitive for any smoking in or around town owned properties, vehicles, etc. As far as enforcement, signage would be places stating that smoking is prohibited within 25 feet of all town owned properties.

Discussion ensued about proving designated smoking areas and whether it was necessary. The Chief of Police Fawn Woodman was asked to provide feedback and was of the opinion that no such areas are needed and it should be strictly no smoking within 25 feet of town owned properties. She did note that people would still be able to smoke in their cars parked on the town property but opined that it should not be stated so in the policy itself as the town should not be telling people what to do or not do in their cars.

Ms. White made a correction that the policy itself does not have the 25 feet restriction, it simply prohibits smoking on town property.

Members agreed to discuss the policy at the next meeting.

Then there was discussion about the town beach and the access road. Ms. White noted that there was an email in the packet with a few concerns from Mr. Dabrieo.

Discussion ensued about the suggestion to draft a landowner agreement and run it by Primex to avoid any liability issues to the town or the landowner for when people are trespassing when the access road is closed. Members also discussed whether it would make sense to add a grading clause to that agreement. Consensus was to discuss the matter at a later meeting.

Next discussion was about the Highway Director's recommendation to lift the 26,000 lb. road limit posting. Members discussed weather waiting for the next meeting to decide that was rational and all agreed that it was given the weather predictions for Nottingham. It was noted that in the meantime, the Highway Director will have discretion to authorize passage in certain roads as exceptions.

GENERAL BUSINESS

Voting Recap / Budget Review

Mr. Morin noted that everyone is familiar for who and what was voted for, and said the problem is now with what has not been approved and this is the town budget. He said that the town did not approve the proposed budget. Therefore, the default budget was in place, leaving the town short of \$289,000. It was noted that about \$30,000 of the default budget was voted as separate warrant articles (Social Services, Invasive Species Grant, and the Lake Host Program). Members discussed having a separate workshop with department heads present to discuss how to adjust their financial planning to make sure that the expectations of the voters are met. The date of the workshop was set on March 20, 2024 at 6:30 PM.

Mr. Morin also thanked all those who were on the ballot and those who were making sure that Election Day runs smoothly.

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Members then discussed their options if they determine that they need to present another version of the budget to the voters which would require a special meeting under RSA 40:13.X

Ms. White said that property owners on Maple Ridge Lane, whose petition article for the town to accept their subdivision road failed this year, were asking if the town would instead assume it as an emergency lane. She added that the town told them that their road will not be maintained as it does not meet the town road standards.

There was discussion that the town is not going to maintain the road it has not accepted and that the proper road acceptance process should have been followed, which was not the case for this particular road. The property owners would have to come back to the voters next year and hope for a better outcome.

BOS Rules of Procedure & Code of Ethics

Ms. White said that the rules can be reviewed and amended as the new composition of the Board assembles and that is why she put them on the agenda. Members agreed to review them at a later meeting.

Public Comment

Mr. Morin noted that public comment/questions that are not related to any issues discussed at the meeting of the Board at which that public comment is made, should now be submitted prior to the meeting in writing so as to allow the members to research/prepare an adequate response. The comments/questions are to be submitted to the Town Administrator in writing the Wednesday before the Select Board meeting.

- Doug Bates came up to speak with his laptop and commented on the terms for Conservation Commission members listed on the website and also on Google maps identification of Channel and other adjacent roads.
- Jay Vilchok came up to speak and brought everyone's attention to the fact that he asked two times about the complaints policy/procedure and was given an answer, however today he heard that there is no such policy. He asked Ms. White to corroborate it.

Ms. White reiterated that in her research of the Board minutes she was able to find that the complaint policy was repealed in October 2016. Ms. White said that the personnel policy does have a grievance policy but when it comes to public complaints unrelated to personnel, it does not apply. She added that she shared the BOS rules of procedure with Mr. Vilchok where a complaint process is identified but no clear guidance is given for how to file a complaint or what the resolution process will look like.

- The unidentified gentleman then asked about a question asked by another public member at an earlier meeting about financial guarantees for the town employees.

Ms. White responded that there is a state statute that mandates that anyone who handles financial matters for the town be bonded. She said that she can get a copy of the bond paperwork from Primex.

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- Gene Reed, 345 Stage Road, asked about the Boards plans to raise the money needed for the next town re-evaluation as the portion of that failed to pass as a warrant article this year.

Ms. White explained that it would be 2025 budget and the town had been trying to set some money aside each year to gather the necessary amount. The process will involve a request for proposals as well.

- Linda Przychodny, 16 Camelot Court, asked about the FD bylaws and whether they were available online, which the Board answered that they will be.
- Ms. Przychodny then asked about the complaint policy and suggested that all complaints (email, verbal, in-person) complaints are logged and no anonymous complaints are taken.

A categorization by department was also suggested. She was asked to submit her suggestion to Ms. White.

- Ms. Przychodny also asked about the gym mats quotes and whether the lowest one was approved.

She was told that the amount is not usually the only deciding factor but, in this case, it was the lowest quote.

- Ms. Przychodny asked about the progressive personnel discipline policy and whether it applied to stipend employees.

The Board asked her to submit that question to Ms. White in writing.

- Ms. Przychodny asked about how the Budget Committee would be involved in the budget discussion that the Board will have with department heads.

She was told that unless the Board decided to propose a new budget and hold a special meeting, it would not be involved.

- Ms. Przychodny stated that she is sorry to hear the Board discuss the potential legal ways to circumvent the will of the voters on the budget.

It was noted that the Board was discussing all of its options and not making any decisions at the point on what to do with the budget. Having a special meeting is an avenue statutorily available to the Board should it determine after consultation with the department heads that there are critical deficits in areas that are essential to run the town services.

- Ms. Przychodny said that in her opinion they should focus on the critical departments and reconsider spending for those that are not essential.

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- Sandra Vilchock, 106 Mountain Road, spoke about her concern about her attending some public meeting in some public place a couple of weeks ago after which she requested a tour and was denied due to lack of time. When she requested a tour by a member she was told that member could not give her a tour. Finally, the Department head angrily (in her opinion) agreed to give her a tour. She was told several times that she was intimidating, which she thought was unjustified. During the tour she found three faults and was told that this is how things are done now. Ms. Vilchock alleged that a swear word was used in her presence and there were witnesses and the word intimidating was used several times. Then she said that she was told second hand that she would have reported this incident to the Town Administrator, therefore she opined that at least two of the people in this room were also present at that public meeting. She then asked whether she should wait for the complaint policy to be in place to report this.

Ms. White responded that making a complaint does not have to wait for the policy to be in place. She added that the information provided is very general and she would need more details. Ms. Vilchock said that she will send that by email.

- Ms. Vilchock said that she felt offended by this whole incident and that she will also send an email that she received about a month ago.

Adjournment:

Mr. Morin moved to adjourn.

The meeting adjourned at 9:27 PM.

Prepared by Alvina Snegach from the video recording

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DATE: 3.18.24

BOARD OF SELECTMEN MEETING

NAME

ADDRESS

- | | | |
|-----|-------------------------|-------------------------|
| 1. | <u>Skip Seavenus</u> | <u>340 Stage Road</u> |
| 2. | <u>Chelli Tennis</u> | <u>17 Robin Hood DR</u> |
| 3. | <u>LINDA Przychodny</u> | <u>14 Camelot Ct</u> |
| 4. | <u>Doug Baker</u> | <u>30 Langney</u> |
| 5. | <u>Charlotte Fyfe</u> | <u>85 Deerfield Rd</u> |
| 6. | <u>Kevin Bassett</u> | <u>101 Shore Drive</u> |
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