

**Nottingham Select Board Meeting**

**1-4-21**

**Official Minutes as of 1/11/21**

**1 Call to Order**

2 Members Present: Vice Chair John Morin, Tiler Eaton, Tony Dumas, Donna Danis

3 Absent: Ben Bartlett

4 Others: Lorraine Petrini, Chris Sterndale, Steve Soreff, Dee-Ann Decker, Therese Thompson, ET  
5 Reed, Hal Rafter, Jennifer, Lois Patricia Alger, Dave Dearborn, Pam Kelly, Sandi Neff, Kip and  
6 Judy Baillargeon, Roni Morse, Kevin, Les, Susan Levenson, Clayton, Monica Henson, JJ, Kevin,  
7 Charlene Andersen, RainvillC, Karyl Martin, Doug G, Bonnie Winona MacKinnon, Cathy  
8 Arnault, Nan Vigars, Carrie Pascoe, Lori Anderson

9 Chair opened the meeting at 6:30pm with the Pledge of Allegiance.

**10 Approve Minutes**

11 **Mr. Eaton made a motion to approve the public and non-public minutes from 12/28/20 as**  
12 **written. Mr. Dumas seconded. Unanimously approved by a vote of 5-0.**

**13 BOS Reports from Assigned Boards/Committees**

*14 Budget Committee*

15 Mr. Morin said a BC meeting took place and they were continuing to go over the budgets.

*16 Planning Board*

17 January 13 is the next meeting.

*18 CIP*

19 They are waiting to hear from the school board. The school board will be presenting to the BC  
20 next week.

*21 300<sup>th</sup> Celebration Committee*

22 No update

*23 Marston Property*

24 Ms. Danis said they are looking to get the fundraising committee moving forward. They want to  
25 get the backstops for the flow of the game and safety.

**26 Town Administrator Report**

27 Mr. Sterndale said the fire dept is fully staffed. Highway had a busy weekend with no issues.

**28 Action Items from Last Meetings**

29 *Elderly and hardship exemption topics, bucket loader warrant article, kitchen community center*  
30 *renovation warrant article, Rte. 4 property (non-public)*

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**31 General Business**

**32 *Town Meeting Plan***

33 Mr. Sterndale said Ms. MacKinnon has an update about the town meeting. She said that she has  
34 received some guidance from NHMA. There are 3 choices for the town and school deliberative  
35 sessions. The first option is to hold meeting as usual using state guidance regarding safety that is  
36 in place. She noted that mask mandate does expire before the SB2 proposed meeting dates. She  
37 said that no more than 150 people will fit in the gym. She is unsure if the BOS can require  
38 wearing masks. She stated she will not moderate if masks are not required. The second option is  
39 to have a virtual meeting; House Bill 1129 speaks to this. This would be a two-step process. A  
40 virtual session that will be info based. There would be an amount of time that people could  
41 respond with questions, etc. and send that data to BOS. The BOS would decide to make any  
42 amendments based on what they read from citizens. Then there would be a second virtual  
43 meeting where the BOS would go over any changes. There would be a drive-in voting for this  
44 option and it would take place in the fire dept. There could be also an in-person polling as well.  
45 The third option is postpone the meeting to a date in the future. The BOS is empowered to  
46 choose to have the virtual meeting, not the moderator. The moderator can postpone the date to  
47 the future; the BOS doesn't choose that. One option that Ms. MacKinnon suggested is to  
48 postpone the meeting and then if needed, there could be a virtual meeting if the virus is not under  
49 control. Ms. MacKinnon said it would disenfranchise older people and others who don't want to  
50 or can't go to a live meeting if there was a virtual meeting.

51 Mr. Eaton said he would like people to participate in the process. Mr. Morin went over the three  
52 options. He said there is a lot of work involved in the 2<sup>nd</sup> option (virtual meeting). Ms. Danis said  
53 the budget implications were not that big of a deal when they postponed the meeting last year.  
54 Mr. Sterndale said the first concern is that effectively the terms of the BOS are extending their  
55 terms. He continued to say that without the budget approved, the town would act as if they had  
56 same authority as prior year. The dump truck is on the warrant and it would be too late to get it  
57 purchased for 21-22 if there was a postponed meeting. The current truck may not last that long.  
58 The road maintenance would be put off as well. Mr. Sterndale said an extended delay for the  
59 meeting for the school board may have larger implications than for the town. Mr. Morin asked if  
60 there is a possibility of holding the meeting outside in April or beyond. Mr. Sterndale said they  
61 could do outside.

62 Ms. MacKinnon said if they choose virtual procedure, there is a question on the ballot that asks if  
63 the citizens approve the virtual method. When they postponed the meeting last time, the officers  
64 were elected. Ms. Danis said the citizens could vote against the virtual meeting option for the  
65 warrant articles. Ms. MacKinnon said they would still have officers in place for the next year. If  
66 the citizens reject the virtual meeting option, all that had been decided would be thrown out and  
67 they would have to start over again. They would have to schedule another deliberative session.  
68 Mr. Sterndale said the new officers would be elected, last year's budget would be in place and  
69 the warrant articles would be nullified.

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Ms. Decker said what Ms. MacKinnon is saying there would be 2 virtual deliberative sessions. The third session would be the ballot for voting and that would determine if this type of virtual meeting was acceptable.

Ms. Martin said the SB hasn't not discussed postponing the meeting. She said there are concerns about postponing till August. July 1 starts their fiscal year. Ms. Levenson concurs. There is a withdrawal article from the SAU and a bond article that complicates this. Ms. Levenson said the default budget for SB is higher. Ms. Levenson said they are working on the bond article. There is bond counsel assisting them. Because of the emergency orders, they won't find out till after the vote if they will receive state aid for the bond for the proposed school addition. Ms. Danis asked what the process is for the bond. Ms. Levenson said there will be a bond hearing that will be virtual. The bond will be placed on ballot. Ms. Danis concluded that there is nothing different other than the bond hearing will be virtual.

Mr. Sterndale is unsure if warrant articles can be explored again if the people voted against the virtual meeting. Ms. Levenson said they would like to hear citizen input for the SB warrant articles. Mr. Dumas said that the inability for feedback from citizens is his biggest concern if there is a virtual meeting. He would like to know all the input before people vote and he is unsure how they accomplish that virtually. Ms. Danis is also concerned that people aren't able to voice their opinions. Mr. Eaton is in favor of having the meeting so everyone can speak. Ms. Danis is in favor of postponing till April or May. Mr. Eaton asked if they can have the election of officers beforehand. Ms. Danis what difference would it make if someone was in office for four weeks longer. Mr. Bartlett and Mr. Eaton's seats are up this election. Mr. Dumas is leaning towards postponement. The town can't vote electronically. Some people may not have internet capabilities. They can't simulcast these meetings over television. Mr. Dumas doesn't want to disenfranchise people if they speak their opinions. Mr. Morin asked if a small amount of people don't have internet, do they stop the meeting. Mr. Dumas said it's a 13<sup>th</sup> and 14<sup>th</sup> amendment issue. Mr. Morin suggested that people without internet could use someone else's internet or go to the library. Mr. Morin asked if people can't drive to the school for voting in person, aren't those people counted out as well?

Ms. MacKinnon said she talked to attorney general and they don't have any concerns about disenfranchising people with any of these options. The attorney general doesn't believe that any of these options are unconstitutional.

At the town meeting in the summer, there were around 200 people. Ms. Danis asked if they thought they would get more than 200 people at a deliberative session. Ms. MacKinnon said she doesn't believe that number of people will fit in the gym. Ms. Decker said she thinks they will have a large number because it's the first year for SB2 for the town. Ms. Danis asked would they have 200 people? Ms. Decker said she believes they would have about 150 people. Ms. Danis asked if they handled it in June in the school gym last year, why can't they do it again? She is wondering if people can be forced to wear masks. Ms. MacKinnon said that the moderator and BOS can require people to wear masks. Ms. Decker noted that people may not be there the whole time. Ms. MacKinnon said some people can be outside as well. Ms. Danis said she is leaning to

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110 postponing, hold the meeting in person at a later date and require masks depending on the  
111 situation at that time. Mr. Dumas asked if they are comfortable with a no mask/mask section. Ms.  
112 Danis said they don't need to do that if the BOS and the moderator can require people to wear  
113 masks. Ms. MacKinnon can postpone till she feels it's not a danger. She believes the BOS and  
114 she should be on the same page. She said some towns like Newmarket are doing virtual and  
115 some are doing in person meeting. Ms. MacKinnon believes to hold an in-person meeting is  
116 dangerous and she will not moderate it. Ms. Danis asked how Ms. MacKinnon feels if it's  
117 postponed. Ms. MacKinnon said being outside is much safer. Ms. Decker asked if the officer  
118 election would get postponed. Ms. MacKinnon said she will check with attorney general to see if  
119 they can have a separate polling. Ms. Decker said that people need to file for office on January  
120 20. Ms. MacKinnon said she didn't think the filing period would change.

121 Ms. Martin asked if the school board can't delay it as long as BOS, can they have 2 elections?  
122 Ms. MacKinnon said she believes they can however she suggests checking with the attorney. She  
123 thinks the town pays for the school elections since the town and the school elections are at the  
124 same time; there may be financial implications if there were two voting days.

125 Ms. Danis asked if the timing wouldn't work for the school to have a postponed meeting because  
126 of the bond or other reason. Ms. Martin said they need to find out from their counsel.

127 Ms. Danis said she hopes they will not have two elections. Ms. MacKinnon hopes to have it in  
128 the same event as usual. She said that school board could act as election workers if there is a 2<sup>nd</sup>  
129 election.

130 Voters need to be notified before the virtual meeting. There was discussion on sending mailers.

131 Mr. Sterndale said he doesn't believe they can do both: go virtual and postpone the meeting. He  
132 believes if you go virtual, you have to do the March election dates.

133 Ms. Danis said she is in favor of pushing the date out and doing it in person in the future with  
134 proper precautions. Mr. Morin asked if they postpone, how much are they interfering with the  
135 school? Ms. Martin said they are making decisions at their next meeting. Mr. Dumas said he  
136 leans toward postponing because the technology is incomplete and it will disenfranchise people.  
137 Mr. Morin said he is not in favor of postponing but doesn't want to do virtual. He will be in favor  
138 of postponing so that people can participate. Mr. Eaton wants people to participate so he is in  
139 favor of postponing or having the meeting on the normal date. Mr. Morin said he would not be in  
140 favor of changing any town warrant articles if the meeting is virtual. Ms. Danis concluded the  
141 board is in favor of delaying so they can have an in-person meeting. Mr. Dumas said the other  
142 options are not viable options.

143 Ms. MacKinnon asked if the BOS is willing to reconsider postponing if the SB can't delay. Ms.  
144 Danis said she would like to know what the factors would be if SB can't postpone. She thinks the  
145 two board should come together and make it as seamless as possible for the voters. Mr. Dumas  
146 said they should give the SB an opportunity to discuss this at their Wednesday meeting. Mr.  
147 Morin said that people should be able to voice their opinions especially on the school addition  
148 warrant article.

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149 Mr. Sterndale said they should make a decision next Monday regarding the SB2 meeting.

150 Ms. MacKinnon was asked if she would be comfortable running a meeting the same way she did  
151 last year. She said she is not comfortable with the way the meeting was held last year. She would  
152 want people wearing masks. She is in favor of using all the health precautions available. Ms.  
153 Danis said she is in favor of requiring people to wear masks to the meeting. Mr. Morin said he is  
154 in favor of masks. Mr. Eaton and Mr. Dumas concurred.

155 Ms. Anderson asked if the dates for warrant articles and signing up for election positions will be  
156 the same. Mr. Sterndale said the filings and budget postings will be the same.

157 Mr. Reed asked if they can do a prescreening temperature taking and ask the standard questions  
158 for the in person meeting. He said that postponing may have to happen. Ms. MacKinnon and Ms.  
159 Decker said they can't take people's temperature nor can they ask the standard prescreening  
160 questions. They will ask the attorney general again.

161 Ms. Decker is speaking as an individual. She would prefer a delay in the process; both because  
162 the COVID-19 numbers are creeping up and also for the election workers. Ms. MacKinnon said  
163 if they do postpone, she said they have to postpone it to a certain date and time.

164 Ms. Decker said they have to notify the voters by mail if they are doing the virtual option but not  
165 if they are doing any other option, like postponing the meeting. They would put any changes on  
166 website, etc.

167 Ms. Danis commended Ms. MacKinnon's efforts.

168 *2021 Budget and Warrant*

169 Mr. Sterndale said the BOS needs to make decisions at the next meeting regarding warrant  
170 articles. There is a meeting on the 14<sup>th</sup> with the BC.

171 Ms. Danis said for each of the warrant articles, they need to outline the board's rationale. They  
172 can use the website to disperse that information as well.

173 Mr. Dumas said he would like to use the fund balance to save the taxpayer's money.

174 *Assessing Contract*

175 Mr. Morin asked if there are any questions on the Avitar contract. Ms. Danis asked if Mr.  
176 Sterndale is comfortable what Avitar does and what Kelly Dallaire does. Mr. Sterndale said they  
177 have a good understanding what people are doing. He said the relationship is working well. Ms.  
178 Danis asked about meetings after 7pm being billed at a different rate. Mr. Sterndale said they are  
179 watching out for themselves but it's not a concern.

180 **Mr. Dumas made a motion to approve the Avitar contract as written. Mr. Eaton seconded.**  
181 **Unanimously approved by a vote of 5-0.**

182 **Review Action Items for Next Meeting**

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183 Town meeting preparation, 2021 Budget and Warrant

184 **Non-Public per RSA 91-A:3 II (a), (b), (c), (d), (e), and/or (l) if required.**

185 **Adjourn**

186 **Ms. Danis made a motion to adjourn at 8:13pm. Mr. Dumas seconded. Unanimously**  
187 **approved by a vote of 5-0.**

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