

Nottingham Select Board Meeting
11-14-22
Approved as Amended 11/28/2022

1 Call to Order

2 Members Present: Chair Donna Danis, John Morin, Ben Bartlett

3 Absent: Vice Chair Tony Dumas, Tiler Eaton

4 Others: Lorraine Petrini, John Scruton, Steve Soreff, Alan Bershtein, Shawn McLean, Gene
5 Reed, Sandy Weston, Tom Butkiewicz, Elizabeth Warrington, Sam Demeritt, Susan Mooney,
6 Mary Colvard, Roger Frieden, Debra Kimball

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

8 Approve Manifests

9 **Mr. Morin made a motion to approve the accounts payable manifest of 11-14-22 and**
10 **payroll manifest of 11-15-22. Mr. Bartlett seconded. Unanimously approved by a vote of**
11 **3-0.**

12 Approve Minutes

13 Ms. Danis would like to go over meeting minute changes in the meeting. Mr. Bartlett said it
14 would make the meeting longer. There was further discussion about it.

15 The minutes will be tabled for now.

16 BOS Reports from Assigned Boards/Committees

17 Budget Committee

18 Ms. Danis said the school talked about the default budget. The BC is looking for CIP info. They
19 want to meet with the dept. heads.

20 Planning Board

21 Fernald subdivision was finished. There was another conceptual design discussed as well.
22 Mooers Rd subdivision was spoken about. There will be a workshop on Wednesday. There was a
23 discussion on the master plan which should be done every 10 years and they are at year 12.
24 There will be a new land use clerk.

25 Marston Property

26 There was a loose cow on the field yesterday.

27 CIP

28 Mr. Bartlett said there is confusion on who the rep is for CIP. Mr. Bartlett said he is happy to do
29 it. Ms. Danis said that at the first meeting, there was a discussion that Tiler would do it but at the
30 2nd meeting, there was further discussion and Ben was chosen. Mr. Bartlett said that going
31 forward, he will be the rep. Gene Reed is part of the CIP. Ms. Danis said CIP is supposed to be
32 driven by the Planning Board. Ms. Danis said the document was put together and wasn't used as
33 a planning tool in the past. With the tax cap, it has to be used as a planning tool going forward.

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34 Mr. Reed said the CIP was pretty organized. He said he said the CIP committee has discussed the
35 document with the BOS and not the Planning Board. Ms. Danis said that John Decker looked at
36 the RSA and it is the Planning Board that should be the guiding force. She did not suggest a
37 change to this year. Ms. Danis will give Mr. Reed the RSA.

38 *300th Celebration Committee*

39 There was a Veterans Day ceremony last week. Ms. Danis said it was really good. Mr. Soreff
40 said Nottingham will be featured on the tv show Our Town on Nov. 17 on PBS.

41 **Town Administrator Report**

42 The tax collector has a list of properties that are delinquent.

43 **Mr. Morin made a motion to approve the town attorney's filing settlement agreement for**
44 **\$6341.29 of attorney fees in court case for the Federal National Mortgage Association. Mr.**
45 **Bartlett seconded. Unanimously approved by a vote of 3-0.**

46 Mr. Scruton said he had a question about the tax cap and if it is for the budget only and not the
47 warrant articles. Ms. Danis and Dr. Butkiewicz said it was for the budget only. Mr. Scruton went
48 over how the tax cap is figured out for the budget. Ms. Danis said the BOS has come up with the
49 projected revenues; she said they will be looking at that number very closely this year. They will
50 be looking at historical data and info from the town clerk.

51 Mr. Scruton said a homeowner from Sachs Road has paved his driveway and part of the road. It
52 is causing damage because the water has the potential to wash out the road. Mr. Scruton said the
53 owner needs to be put on notice and the driveway needs to be corrected. The public works
54 director can oversee the owner pave at the end of the hill on the road or the owner has to remove
55 the pavement on the driveway. Mr. Scruton said he would like a notification sent to the owner.
56 Ms. Danis asked what action the BOS wants to take. Mr. Bartlett asked for more clarification for
57 the pavement. Mr. Morin said that part of Mountain Rd is now paved so that this driveway
58 connects with the road. Mr. Morin said there are two choices: fix the end of the driveway to
59 prevent runoff or continue to pave Mountain Rd. with town oversight. This would be at the cost
60 of the owner. It will be clarified in the letter that there are two options.

61 Ms. Danis said there is no process for applying for a permit for paving a driveway. She is asking
62 if the BOS wants to have a permit. Mr. Scruton suggests they need something written up for the
63 driveway ordinance so people don't pave what they should not pave.

64 Regarding the name for the new subdivision and the name of Captain Smith Road; there is a
65 Revolutionary War general buried on the property. Consensus of the Board is to move forward
66 with the road name.

67 Mr. Scruton said that the deliberative session will be Sat. Feb 4 (Feb. 11 snow date). Ms. Danis
68 said she will not be here on Feb. 11. Mr. Scruton said they could do a weeknight for a snow date.
69 Mr. Bartlett said he prefers weekend; Mr. Morin and Ms. Danis said they would prefer weekday
70 for snow date. There will be further discussion.

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71 Dec. 24, recycling center will close at 1pm.

72 Mr. Scruton said there was discussion about septage.

73 **Action Items from Last Meetings**

74 Captain Smith Drive discussion, input for expenditures for ARPA funds for Nov. meeting, once
75 the BOS finalizes the CIP, it goes to the PB

76 **Appointments**

77 *Highland Monitoring*

78 Mr. Demeritt and Ms. Mooney are here to discuss Highland Ave. monitoring for the Little River.
79 It has been Mr. Demeritt and Ms. Mooney have been doing this evaluation and it takes about 4
80 hours to complete. They would like to have the development reestablish the homeowner's
81 association to take care of things like that. Ms. Mooney the housing development was set up in
82 2004 and in 2010 the Conservation Commission was told there was no monitoring for the Little
83 River taking place. The Conservation Commission has been taking care of this since then. Ms.
84 Mooney said violations have been reported over the years. She would prefer the residents to take
85 up monitoring themselves. They have not approached the residents yet to see if they can develop
86 an HOA. Ms. Danis said she doesn't believe the BOS has any authority to enforce violations. Mr.
87 Morin asked how they do enforce a fine for a violation. His issue is who is the bad guy when
88 there is violation. Ms. Mooney said these are deed restrictions; each lot has 2+ acres. Ms. Danis
89 asked is there one situation or many. Ms. Mooney said it's more than moving a tree; she said
90 there are trimmings done and there is mowing done. Ms. Danis said if there is one individual,
91 how much do they want to spend for a lawyer. Mr. Scruton said you can fine the resident; to get
92 started on this, the lawyer will start at \$5k. Ms. Danis said do they really want to have the Town
93 Attorney look into this. Mr. Bartlett suggested they not do this. Mr. Morin said he doesn't want
94 to spend the money however if they spend the money, it will show that the town has made an
95 example of this and others wouldn't do it. Mr. Bartlett said they will likely spend a lot if the
96 resident has been violating for the past few years.

97 Ms. Mooney said they are tired and don't have the authority to enforce violations. Dr.
98 Butkiewicz said he will help the town save money and he could speak to the resident. Ms.
99 Mooney said they would like Dr. Butkiewicz to form an HOA.

100 Mr. Morin asked if they use Conservation funds. Ms. Mooney said they can't because the land is
101 already in the conservation. Ms. Danis said this would be for the betterment of the conservation.
102 Mr. Scruton will look into if conservation funds can assist with this. Ms. Mooney said they can
103 direct funds towards certain projects and then the BOS approves the funds.

104 The BOS said they are in agreement to use conservation funds if they can and move forward
105 with the resident in violation.

106 *Input for Uncommitted ARPA Funds*

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107 Mr. Scruton said there was discussion about what was eligible for ARPA funds. He went over
108 what it could be used for and cannot be used for. Mr. Scruton went over the list of how they are
109 using the funds in town.

110 There is \$381k remaining. There are some ideas on how to spend the money that would total
111 \$330K excluding what is on the fire dept list.

112 Ms. Weston said it's conceivable that most of that could be done on that list. Mr. Scruton said he
113 would recommend against using the money for the repair items. There are other things that they
114 may need and there may be things in the budget that can be pulled out.

115 Ms. Danis asked when the BOS needs to decide what they should do. Mr. Scruton said they don't
116 need to decide tonight. There is a significant amount of highway money that they accepted from
117 the state; it totals \$279k.

118 Mr. Bartlett asked about two items that were on the list of items to be paid for with ARPA funds:
119 the box to put the tires in and items at Marston property. There was \$60k approved for the well;
120 there is \$6k left to be paid for the Marston property. Mr. Morin said the well is used for town
121 residents in case there is an emergency. Mr. Bartlett asked if anyone can fill a 5 gallon jug and if
122 it is locked up. Mr. McLean said it's open but could be shut off in the winter. Mr. Bartlett said
123 that the Facilities Committee said that buildings need repair. He said that they should put money
124 towards the town buildings. He asked how big the tire storage is. Mr. McLean said it's \$9700;
125 it's a shed roof. Mr. Scruton said the bathrooms in the community center are working now but
126 they have stopped in the past and it needs to be fixed permanently. The cast iron pipes under the
127 kitchen floor may be broken and may have to be replaced. Mr. Bartlett said he was under the
128 impression that the pipes were fixed before the renovation; he can't believe it was not done
129 beforehand and it will be a waste of money. Mr. Scruton said there is asbestos in the kitchen but
130 it's contained. Mr. Scruton said the Highland Ave. culvert is under \$100k. There is a \$600k total
131 for Highland Ave issues. Mr. Morin said they should spend it on higher traveled road; if they
132 have to cut fixing one culvert, they should forgo fixing the culvert on the least traveled road. Ms.
133 Danis said the higher-level decision is how do they want to leverage the funds. Do they want to
134 offset departmental expenditures or do they want to spend it on big building issues? Mr. Bartlett
135 said they should prioritize the list. Ms. Danis said they may not be able to offset the departmental
136 items if they spend it on a new project. Mr. Bartlett said it could be used for stipends for
137 employees as well. Ms. Danis said that during COVID, they took care of their employees for
138 those who were impacted. Ms. Danis said they are impacting taxes by using the funds for
139 projects. Mr. Morin said he is not in favor of using this money for bonuses. He hopes they can
140 offer raises by using this money for expenditures. Ms. Danis said there is a line item in the
141 budget for raises. Mr. Morin said he would rather fix the town building than to build a brand-new
142 building. Ms. Danis said she is hearing that the Board of Selectmen is awaiting a full report from
143 the Facilities Committee to find out ballpark prices for what needs to be fixed. Mr. Morin said
144 they should use the money for the most used buildings.

145 Mr. Scruton said by the end of the year, they have to figure out where the money is coming out
146 of for the projects they have already approved and started.

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147 **Assessing**

148 **Mr. Morin made a motion to approve the Intent to Cut for Map 2 Lot 1. Mr. Bartlett**
149 **seconded. Unanimously approved by a vote of 3-0.**

150 **General Business**

151 *Budget Review*

152 Ms. Danis thinks they should look at all the departments for consistency for fuel cost, postage,
153 merit raises, etc. Ms. Danis said they should look at cleaning as holistic and if they can save
154 money. Ms. Danis said she saw that they could cut \$21k. Mr. Morin said they could cut mowing
155 for \$30k in Line 262. Mr. Scruton said that mowing is for sight lines for safety and to mow back
156 the trees. Mr. Scruton suggested cutting it in half. Mr. Bartlett said he agreed with half. Mr.
157 Morin suggested charging for recycling stickers.

158 Ms. Danis said they could have a higher percentage of increases if they have revenues to offset
159 it. Mr. Morin said they can cut every line and then add some back in if they have enough
160 revenues to add back in. Ms. Danis said they can look back at what the revenues have been in the
161 past. Mr. Scruton said they won't have the number of what the state is going to do till next
162 summer. They can make a guess list of what the state will do. Ms. Danis asked Ms. Warrington
163 for historical trends for revenue. For this year, it will be \$100k more in revenue. Mr. Scruton
164 suggested that it will be \$50k more for the following year. Mr. Morin would like to have a
165 number that they need to cut the budget in order to hit the 4%. Mr. Scruton said the firefighters
166 are not part of the cap and it may be difficult to get it to 4%.

167 Mr. Morin suggested eliminating the line item for \$17k in the rec line for an additional person.
168 Mr. Bartlett said to cut lifeguards. Ms. Danis suggested starting at the beginning of the budget.

169 Mr. Scruton suggested cutting Line 22 for lake advisory for \$5k. Mr. Morin said they could cut
170 \$2500 from that line. Ms. Danis suggested taking \$1900 out from Line 6. The BOS continued to
171 speak about what they may cut. Ms. Danis suggested no raises for the town clerk salary. Ms.
172 Danis said they built in an extra election if the primary moves into Dec. 2023. She wondered
173 why Line 36 went down if they are planning for an additional election, but the supervisors went
174 up. There was discussion why the supervisors need a phone. Ms. Warrington said that the tax
175 collector no longer receives fees; she gets a straight salary. Ms. Danis said they need to look at
176 postage above the board. Mr. Morin suggested cutting dues and conferences for the Planning
177 Board since most people can't make it. Ms. Danis suggested cutting \$1k from master plan on
178 Line 110. Mr. Morin agreed. Ms. Danis suggested cutting the dues for \$6499. Mr. Morin said it's
179 a set fee; we will have no representation and no voting. Ms. Danis said the school should pay for
180 the supervisors for the school deliberative session. Mr. Morin said Line 132 they could cut some
181 of that if they used ARPA money. Mr. Bartlett questioned the mileage for the town inspector.
182 Ms. Danis has questions about Line 258 and 259. Mr. Scruton suggested leaving both in. They
183 may look into cutting the shim coating to \$250k. Mr. Morin volunteered at recycling center
184 recently. There are 2 employees at the recycling center starting in 2 weeks as one employee quit.
185 There is a request for 4 employees. Mr. Morin said for social services they can't cut one without

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186 cutting them all. Ms. Danis said if they put the social services in a warrant article and it's
187 defeated, they can't provide the services at all. Mr. Morin suggested cutting scholarship for rec in
188 Line 340. Ms. Danis said these cuts are not final. Mr. Morin said Kortney is doing a great job but
189 with the 4% budget cut, this may have to be eliminated. Mr. Bartlett said cut lifeguards and part
190 time facilities position. Ms. Danis said they can look at maintenance all over. Mr. Scruton said
191 they can create a line in town building for that position. Mr. Bartlett suggested cutting the
192 mowing line. Ms. Warrington said it's mowing for several areas in town. Ms. Danis asked if Line
193 340 can be covered under rec impact fees. Ms. Warrington said she doesn't know and will get
194 back. Mr. Scruton said he doesn't think the impact fees will cover. Dr. Butkiewicz asked if they
195 can expand the bandstand. Ms. Danis suggested taking out \$5k for Line 338 for the bandstand.
196 Mr. Morin suggested several cuts in Conservation Commission.

197 **Public Comment**

198 Dr. Butkiewicz said there is a lot of postage cuts. Maybe they can do paperless billing. He
199 suggested Guidestar to fundraise.

200 **Review Action Items for Next Meeting**

201 Driveway ordinance and paving permits, agreement form for septic sewage, Conservation
202 Commission funds for Highlands development, evaluate in the first meeting in Dec if 64k and 4k
203 for Birch Tree Lane can be used with ARPA funds, Ms. Warrington will update the budget

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

205 **Adjourn**

206 **Mr. Morin made a motion to adjourn the public meeting at 10:07pm and go into non-**
207 **public RSA 91-A:3 II (a, c). Mr. Bartlett seconded. Roll call vote: Mr. Bartlett-yay, Mr.**
208 **Morin-yay, and Ms. Danis-yay. Unanimously approved by a vote of 3-0.**

209 **Mr. Morin made a motion to adjourn the non-public session at 10:20 pm and indefinitely**
210 **seal the minutes. Ms. Danis seconded. Roll call vote: Mr. Bartlett-yay, Mr. Morin-yay, and**
211 **Ms. Danis-yay. Unanimously approved by a vote of 3-0.**

212
213 **Mr. Bartlett made a motion to adjourn the non-public session at 10:21. Mr. Morin**
214 **seconded. Roll call vote: Mr. Bartlett-yay, Mr. Morin-yay, and Ms. Danis-yay.**
215 **Unanimously approved by a vote of 3-0.**