

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

Approved as amended on December 18, 2023.

Call to Order

Members present: Ben Bartlett, John Morin, Tim Dabrieo, and Steve Welch.
Others: Town Administrator Ellen White.

Members of the public: Please refer to the signup sheet at the end of this document.

Members Excused: Matthew Shirland

Pledge of Allegiance: meeting began with a Pledge of Allegiance. Mr. Bartlett then thanked everyone who organized the Christmas Parage that weekend, which was a great success.

Approve public minutes 11/06/2023 and 11/27/2023

Mr. Bartlett noted that changes were provided in the packet.

Mr. Dabrieo made a motion to approve the public minutes for 11/06/2023 and 11/27/2023 as amended. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo - aye, Mr. Welch - aye, Mr. Bartlett - aye.

Approve non-public minutes 11/27/2023

Mr. Dabrieo made a motion to approve the public minutes for 11/27/2023 as presented. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo - aye, Mr. Welch - aye, Mr. Bartlett - aye.

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

Budget Committee

Mr. Welch provided an update for the last Budget Committee meeting which is well into the process of discussing the budget.

Planning Board

Mr. Morin provided an update on the Planning Board which is set to meet on Wednesday.

CIP Committee

Mr. Dabrieo said that the Committee is in the process of gathering requests from Department Heads.

Marston

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

Mr. Dabrieo said that the Committee's meeting was cancelled and provided an update on the stolen tractor which was safely recovered and is now securely stored away. He also said that two roofs were installed with two to go.

Town Administrator Report

Ms. White spoke about the following:

- A rental storage and office container has been placed at the Highway Garage which will give additional storage as well as a breakroom area for the staff to rest during the winter season. This is a temporary solution until we are able to determine a permanent solution. The container rental is \$400/month.
- The new ambulance is scheduled for delivery this week.
- The Police Department is in the process of obtaining their state accreditation and in doing so they had a facility inspection completed in early October. The inspection noted that there are significant liability issues (safety and privacy) with anyone other than police personnel accessing the police department-side of the building, this includes the rear access to the Food Pantry. This has also been noted as an area of safety concern at the Joint Loss Management Safety Committee's inspection that was completed in the spring of this year. To address the safety and privacy concerns raised, as well as to bring the facility into compliance, Ms. White has designated the side access door of the Food Pantry as an emergency exit only. This means that the door must always remain closed, except for in an emergency exit situation. This access has been used by volunteers bringing items into the Food Pantry. Additionally, the Police Department visitor designated parking spaces in front of the building cannot be used for any other purpose. Chelli Tennis and Ms. White have had a few conversations since these changes have been implemented and Ms. White would like to start the conversation on finding a solution that will not hinder the operation or services provided by the Food Pantry. She has invited Chelli Tennis to attend tonight's meeting to be part of this conversation.
- The date for the Presidential Primary Election has been scheduled for Tuesday, January 23. Ms. White has been in contact with the school to make necessary provisions to use the school as the polling location.
- The Town Deliberative Session can take place no sooner than February 3, 2024, and no later than February 10, 2024. Ms. White proposed to set the date for the Deliberative Session for Saturday, February 3 with an inclement weather date of Saturday, February 10. Selectboard agreed.
- HealthTrust approved their rates for the 2024 renewal period earlier in October. Medical rates will increase by 15.6%, and dental by 4.7%, while Short-Term Disability will decrease by 1.3% and Long-Term Disability and Life Coverage decrease by 15%. Ms.

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

White explained about the ebb and flow of insurance rates and that this year increase may go down in the future years.

- The School's MS-25: Annual Financial Report was finalized on 11/16/2023. This was one of the last items holding up the setting of the tax rate. Upon review of the Town's MS-1, NH Department of Revenue required we remove all Veteran's Tax Credit from 37 properties because it was omitted from readoption on the 2023 Town Warrant. This will cause an additional \$750.00 tax to be applied to the affected properties on the second half tax billing. Ms. White will be reaching out to the affected property owners and as discussed earlier in the summer and will be requesting abatement pursuant to RSA 76:16. Ms. White also asked all those who are affected to reach out to her in the meantime.
- Status update on RSA 91-A requests for information – Over 50 requests have been received since May of this year resulting in countless number of hours of review and redaction and multiple reams of paper documentation produced, and the recent purchase of PDF editing software. RSA 91-A:4 only requires a Town to provide access to documents for inspection and copying during “regular business hours” and at the “regular business premises.” Exceptions have been made to reproduce records in an electronic format and supply them without physical inspection. This is not conducive to the workflow of our small office and is creating additional delays in fulfilling the requests. Ms. White asked the Board if they would consider implementing a policy to assist the office with streamlining the request and fulfillment process? The Board requested that Ms. White provide a draft at a future meeting.
- Ms. White is in receipt of a private event rental request for use of town facilities. Interim Town Administrator put a stop to such rentals due to liability concerns and Ms. White would like to request the facility rental policy to be updated to reflect the changes discussed in the October policies work session. The Board requested that Ms. White put this discussion as an agenda item for the next meeting
- There were issues with the well at the Recycling Center, leading to a temporary lack of water. Upon investigation, a pre-filter before the well pump was found to be extremely clogged with sediment, causing the problem. Fortunately, it was resolved, and water is now back up and running. However, there was a separate issue with the well casing (PVC pipe) being broken and uncapped above ground, requiring repair. The well repair company will provide a separate cost estimate for this issue. Despite these challenges, restroom facilities at the recycling center are still operational.

General Correspondence:

- Jaye Vilchok – re: NFRD Bylaws - Original email sent 11/8/2023; response 11/13/2023 to be addressed

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

- Jaye Vilchok – re: Simple question - Original email sent 11/6/2023; response 11/13/2023 to be addressed
- Sandra Vilchok – re: Dropbox link – Original email sent 11/13/2023; response 11/16/2023 to be addressed

Mr. Vilchok was not present to address his emails.

Mr. Bartlett said that the Board is not ready to make a statement just yet, however, he would like to say that it is hard to judge one's tone through emails, and that the Board will review them and discuss at a later time.

Chelli Tennis, 17 Robin Hood Drive, introduced herself. She said that there are concerns about the use of a back entrance for the Food Pantry, which is located at the Town offices. The pantry, run by Ms. Tennis, has been using this entrance since the late 1990s for its various activities since it is offering convenient and direct access for volunteers and deliveries, especially when dealing with the transportation and handling of large quantities of food. She also said that using the back entrance might minimize disruptions to other activities within the building, as it allows the Food Pantry to handle its operations without interfering with the front entrance, which may be more frequently used by other individuals. However, recent safety and privacy concerns, particularly related to the Police Department's accreditation, have led to the prohibition for the Food Pantry to use the back entrance. Ms. Tennis spoke about her recent experience during Thanksgiving where using the other entrance was very inconvenient and inefficient and noted that the current spatial organization inside the building, with a designated room near the back entrance, streamlines the process of handling and storing food items.

There was discussion about alternative options for the Food Pantry's entrance or location, especially as it relates to safety and privacy concerns related to the Police Department's accreditation. One proposal suggested relocating the Food Pantry to the Old Town Hall, citing increased space and privacy. However, Ms. Tennis expressed reservations and emphasized the need to discuss this proposal with the Food Pantry's Board.

Board members acknowledged the importance of the Food Pantry's service but underscored the necessity of addressing the safety concerns. Ultimately, the decision was made to get through the current holiday season before reevaluating the situation, considering both the Food Pantry's operational needs and broader safety considerations. The use of the back entrance would remain off limits to the Food Pantry.

Action Items from Last Meeting

The purchase of a trailer for aluminum cans was explored, and a quote of \$4,900 for an aluminum trailer with 8ft sides and hydraulic assist was obtained by Mr. Dabrieo. The size was deemed suitable, and its power assist feature would likely expedite the emptying process.

The erosion control at the Recycling Center

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

The Highway Department had addressed erosion concerns by adding four jersey barriers and cleaning up the area. The erosion is now under control, and while there is potential for adding more barriers, the current measures have proven effective in stabilizing the site. Ms. White also said that the handicap signs are now visible.

Assessing - Veteran's Tax Credit

Veteran's tax credit was discussed earlier during the TA's Report discussion.

General Business

2023 Tax Rate Setting

Mr. Morin noted that 2023 tax rate revealed an increase to \$21.44 from last year's \$19.11. The breakdown is as follows:

Town Tax Rate - \$4.03

School Tax Rate – LOCAL - \$14.84

School Tax Rate – STATE - \$1.73

County Tax Rate - \$0.84

The primary increases came from the local and state education components.

Members discussed the Town's fund balance, currently at \$2,369,819, which falls within the state's recommended range of 5% to 17%. Ms. White said that the Town fund balance policy target is 12%, and the town is at 11.73%.

Concerns were raised about using the fund balance to artificially lower the tax rate, with a consensus to retain it for potential future needs. The Tax Warrant was discussed, and once signed, tax bills will be mailed out by the end of the week with a due date of January 10, 2024.

Town Beach Road Access

Mr. Bartlett began by noting that there are numerous complaints received about access road to Town Beach. He emphasized that the road is on private property, and property owners have an agreement with the Town to restrict the use of that road from Labor Day to Memorial Day. The Town beach is landlocked, and access is only possible via that private road or by water. The understanding between the Town and property owners has been in place for many years and residents are urged to respect it. Memorial Day to Labor Day is the agreed-upon timeframe for public access, and any decisions beyond that rest with the property owners. All the signage has been updated and the beach use regulations are posted on the Town website.

- Don Davis, 139 Deerfield Road, raised several questions during the discussion on Town Beach Road access. He inquired about the Town's role in deciding when the beach opens (Memorial Day) and if it involves an agreement with the property owners. He also sought clarity on the Town's ownership of the beach area, specifically if it has been surveyed to

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

determine the boundaries. Additionally, he questioned the historical maintenance of the road, asking if the Town has replaced culverts or maintained the road during the past 50 years. Mr. Davis also raised concerns about liability issues, exploring whether the Town holds any responsibility for accidents or injuries on private property. Finally, he expressed the importance of cooperation from residents and urged for respectful behavior towards property owners to maintain positive relationships.

The Board noted that the Town could check the land boundaries if such records exist and also would need into who has been maintaining and repairing that road in the past. Overall, residents were encouraged to respect private property boundaries and adhere to the posted regulations.

Use of Impact Fees – Marston

In the discussion on impact fees, Ms. White noted that Jean Reed was not present, and said that a legal opinion on the matter was received. The legal opinion is treated as attorney-client privilege, and it was suggested to review it in a nonpublic session. The plan was to create a response to address Mr. Reed's questions and put the action item on the next meeting agenda.

Action Items for Next Meeting

- 1. Repairs at the Recycling Center**
- 2. Discuss the trailer purchase for aluminum cans**

The Board then discussed the possibility of organizing a community bonfire at the pit and contemplated using the Recycling Center to store burnable materials for the event. The Board informally agreed on the idea, considering factors like proper burning materials and logistics. A tentative date of January 13th was proposed for the bonfire event, with a need for confirmation from committee members. The discussion also addressed preparations for the pit, the Highway Department's role in contributing materials, and concerns about controlling the process to prevent open dumping. The emphasis was on creating a community-oriented and enjoyable event while addressing logistical considerations.

Ms. White mentioned that she will be posting a public hearing under RSA 31:95-B for the acceptance of unanticipated funds, specifically additional special Highway Block Grant funds. The amount was estimated to be around \$46,000, and it was mentioned that it was the same special grant received in the previous year with a designated appropriation for Bridges and highways. After a brief discussion of several Town and State road projects, Ms. White said that she is proposing to schedule the public hearing for December 18, 2023.

The Board requested that Ms. White provide an update regarding Kelsey, Cooper, and Barry Roads for their next meeting. She noted that the engineering process had started for both Kelsey and Cooper Roads and wetlands permitting is yet to be done.

Public Comment

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

Doug Cummins, 348 Stage Road, asked the Board members to raise their hand if they believed in a free and fair society where the accused has the right to defend themselves from an accuser. Mr. Cummins expressed concern about cancel culture, suggesting that mere accusations could lead to someone losing their job. He concluded by saying that the residents elected the Board so that would not happen.

Department Budget Review

Executive Department

- Reduced miscellaneous line to \$1,000.
- Reduced equipment line by \$200.
- Reduced software licensing line by \$2,000

There was discussion on merit compensation that focused on bringing back the Police Department's merit increase into a unified Merit Compensation Pool line item. Approximately \$50,000 was deducted from this pool to account for the Police Department's separate calculation. During the discussion, there was a request to determine the specific amount allocated for merit compensation in the budget, with plans to revisit and set a clear figure at the next meeting.

Town Clerk's Department and Elections

- Proposal to reduce the miscellaneous line (line 41) by \$750 to make it \$5,000.
- Training line (line 43) was discussed and highlighted to be looked into.
- Discussion about postage expenses related to mailing tax bills.

Financial Administration Department

- No cuts were made at this time.

Assessing

- No cuts were made at this time.

Personnel Administration

There was discussion about why the Employee FICA line item was decreased in the proposed budget despite the fact that salaries are projected to rise. Ms. White said that she is checking into it.

Planning and Zoning

The discussion involves the allocation of salaries for the Planning Board and Zoning Board. Ms. White said that the salaries for both boards are lumped into the Planning Board's secretary salary.

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

There's consideration of cutting \$2,400 from the Zoning Board's line item, specifically for the secretary's salary.

The dialogue touched upon the need to have a conversation with the Planning Board about potentially reducing the budget for the Planner position. It is suggested to cut that line in half or reduce it to \$20,000, given that many items were carried forward from the previous year.

The discussion briefly shifted to miscellaneous items, including questioning the need for certain expenses, such as postage and recording at the registry of deeds as they are reimbursed by applicants. Suggestion was to reduce the former to \$500 (since meeting packets are still being mailed to some Planning Boardmembers) and delete the latter.

Town Hall and Buildings

Members discussed Line 128 for shoveling/mowing, Maintenance Warrant Article from 2023 and whether the contracted maintenance company could take care of shoveling in the winter or mowing around the office for the rest of the year. Another option was suggested to draft another Warrant Article for the things not covered in the operating budget or moved from there to it.

Members then discussed maintenance of various Town buildings and associated expenses. The conversation underscored the necessity of making cuts while balancing the impact on crucial services. Additionally, there was an acknowledgment of the importance of refining revenue estimates for accurate budgeting.

Members agreed to highlight all building maintenance lines for further discussion. Line 126 for Salaries Maintenance was reduced to \$1.

Ms. White will also look into heat and electricity numbers to see if anything could be reduced.

Cemeteries

- No cuts were made at this time.

Members agreed to tentatively meet on December 13, 2023 to discuss the budget further.

Non-Public Session

Mr. Dabrieo moved to enter non-public session at 8:55 PM pursuant to RSA 91-A:3, II (a), (b), and (l). Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.

Non-public session was entered at 8:55 PM

Mr. Dabrieo moved to exit the public session at 9:35 PM, Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.

Resumption of Public Session

Nottingham BOS 12/04/2023 Meeting APPROVED Minutes

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

The public session was resumed at 9:35 PM.

Mr. Dabrieo moved to seal the non-public session minutes; Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett– aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.

Adjournment:

Mr. Dabrieo moved to adjourn; Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett– aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.

The meeting adjourned at 9:35 PM.

Submitted by Alvina Snegach

Nottingham Select Board Meeting

12/04/2023

APPROVED Minutes

DATE: 12/4/23

BOARD OF SELECTMEN MEETING

NAME	ADDRESS
1. Allan Trant	20 Gravel Pit
2. Judith Cummings	348 Stage Rd
3. Doug Cummings	'1
4. Dan Davis	139 Deerfield Rd
5. Doug Bates	30 Longway Dr
6. Kevin Moran	611 W
7. Robert Drodowski	18 W Scrillis Rd Nott.
8. Charlotte Fyfe	85 Deerfield Rd.
9. Chelli Tennis	14 Robin Hood Dr
10. Jim Rohrer	133 Deerfield Rd
11. Karin Rohrer	" " "
12. Ken Smart	26 Bustle Kcl
13.	
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15.	
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