

## **Nottingham Select Board Meeting**

**01/09/2023**

### **Approved Minutes**

**Approved as presented on January 24, 2023.**

#### **Call to Order**

Members Present: Chair Donna Danis, Vice Chair Tony Dumas, Ben Bartlett, John Morin, Tiler Eaton.

Others: Interim Town Administrator John Scruton, Tom Duffy, and Steve Soroff.

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

#### **Approve Manifests**

*Mr. Dumas made a motion to approve the accounts payable manifest of 01-09-2023 and payroll manifest of 01-10-23. Mr. Eaton duly seconded. Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

#### **Approve Minutes**

*Mr. Dumas made a motion to approve the draft 01/03/2023 minutes. Mr. Eaton seconded.*

Ms. Danis proposed some typographic changes such as correcting “he” to “the” in front of the words Town Administrator at the beginning of the fifth paragraph on the second page. Then there was discussion of a motion made by Mr. Bartlett recommending cutting the Highway Capital Reserve to \$50,000, which the minutes state that he voted against. There was uncertainty as to what the motion language was, and Mr. Scruton requested that the Board table the approval of 01/03/2023 minutes until he can check with the recording. Mr. Eaton also proposed to correct a typo from Ms. Dumas to Mr. Dumas. Mr. Scruton said that he will bring the minutes back to the next meeting with the two minor corrections and the correct motion after staff checks the recording.

*Mr. Dumas made a motion to approve the draft 01/03/2023 non-public session minutes as written. Mr. Eaton seconded. Motion carried by a 4:0:1 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin abstained.*

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

##### **Budget Committee**

Ms. Danis said that Mr. Scruton and she presented the budget to the Budget Committee last Thursday and some of the members commended the member on their hard work. Ms. Danis provided a brief overview of Mr. Scruton’s and hers presentation of the budget to the Budget Committee and noted that the biggest questions were regarding the reductions made to the Merit and Compensation line and the mowing at the Marston Property. She also commended Mr. Scruton on his presentation of the budget to the Committee.

Mr. Morin asked if Mr. Scruton could produce a chart deciphering the multiple abbreviations that are used in the warrant articles descriptions. Ms. Danis suggested that Mr. Scruton should explain this in the narrative.

##### **Planning Board**

Mr. Morin noted that the Planning Board is meeting on Wednesday.

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**CIP**

Mr. Bartlett noted that CIP Committee is meeting on Wednesday and Thursday.

**Town Administrator Report**

Mr. Scruton spoke about the following:

1. The Town has participated in a joint Hazardous Household Waste Collection Day with Raymond. Mr. Scruton asked whether the Board would like to continue to participate with other communities for the Hazardous Household Waste Collection day and if so, he would need a motion and relevant documents to be signed. Ms. Danis clarified that it will be sometime in September.

*Mr. Dumas made a motion that Nottingham will participate in a joint Hazardous Household Collection Day with other communities on an annual basis. Mr. Eaton seconded.*

Mr. Bartlett asked whether this would only authorize participation this year and Mr. Scruton said it was for this year. After a brief discussion there was general consensus that leaving the words on an annual basis in the motion is fine and a roll call vote was taken.

*Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

2. The container for trash compaction needs to be replaced (\$10,300) or repaired (\$10,890). This was on the 11/14/2022 discussion of ARPA funds but he missed it when making up the more recent list. Mr. Scruton asked whether the Board would vote to authorize expenditure from ARPA for the Recycling Station container replacement for \$10,300?

*Mr. Dumas made a motion that the Selectboard approves the expenditure of \$10,300 from the ARPA funds to replace the recycling station trash compactor container. Mr. Bartlett seconded.*

*Motion passed by a 4:1 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – nay.*

3. The Town needs a backhoe at the Recycling Station. Mr. Scruton suggested sending out a Request for Proposal (RFP) for one to be used there and on highway work and using ARPA money. Once the RFP is received, the Board can make a decision on purchase. He then asked if the Board would authorize sending out an RFP for a backhoe and noted that this is just a request to send out the RFP.

There was general consensus that Mr. Scruton can send out the RFP. Mr. Bartlett also requested Mr. Scruton to provide a feasibility analysis of buying used equipment including price comparisons, etc.

4. Water Pressure Tanks Community Center. The Town needs to replace the water pressure tanks soon, before the well pump is burnt out. Mr. Scruton's suggestion is to use ARPA money. The quote from Beaudette Plumbing (the HVAC contractor who regularly provides plumbing services to the Town) is \$5,800. Mr. Scruton said that once he has the go ahead, he will put it out to bid. He then asked the Board to authorize proceeding to replace the water pressure tanks.

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There was discussion of using ARPA funds and how this project may impact other projects that are on the ARPA wish list. Then there was consensus that Mr. Scruton can get quotes from three service providers.

5. Mr. Scruton said that there are various options for how to proceed with the oil tank and the wastewater drain. Given the complexity of the building, flooring, etc., he assumed that the latter would be cost and materials based estimate. According to the Beaudette Plumbing recommendation the new tanks should be installed first in order to pump oil out of the old one. Then the Town should hire a Clean Harbors company to finish cleaning out the oil in the old tank. Then a decision should be made to either fill the tank with sand or remove it, for which Mr. Scruton does not have a recommendation at this point. He then asked how does the Board wish to proceed regarding the oil tank and the wastewater drain?

Mr. Scruton answered questions on the location of the new tanks, type of slab and enclosure to be built, etc. Discussion ensued on whether there is a need to find out where the septic pipes are before pouring the slab. Mr. Scruton explained that he envisioned doing both projects together and described the issues with the drainpipes that were inspected with a camera and found to be leaking and in bad shape. He added that he must have accidentally deleted the drainpipe discussion from his report.

Selectmen asked Mr. Scruton to come back to a future meeting with a more detailed plan and process of how two of these projects will be carried out.

6. Dedication of Town Report. Mr. Scruton said that it is time to choose an individual or organization, perhaps 300th Committee, for the dedication in the Annual Town Report. He also reminded the members that the Board of Selectmen report, a draft of which has been circulated, needs to be finalized soon. He then asked whether the Board had anyone who passed in the last year for the memorial section?

Ms. Danis said that she is working on the BOS report and should have it done soon. Then members discussed the dedication. There was agreement on 300<sup>th</sup> Committee recognition and doing an In Memoriam for Chet Barnes. Steve Soroff, a member of the public in the audience, noted Mr. Barnes and members asked him to provide pictures of him if possible. Mr. Scruton asked the public to submit pictures for the Annual Report to the staff.

7. Vote on proposed warrant Articles. Mr. Scruton said that if all the Warrant Articles were adopted, the impact on the 2023 tax rate would be 1.6% over 2022. He added that the proposed Operating Budget alone would result in 4% increase but together with the Warrant Articles it is only 1.6%.

There was a prolonged discussion on how the math would work after which Ms. Danis noted that there is a 7 PM appointment that the Board has and invited the member of the public to address the Board.

### **Tom Duffy - Re State Park Expansion**

Tom Duffy, 28 Pawtuckaway Shores Road, introduced himself as the Chair of the Government Relations Committee of the Pawtuckaway Lake Improvement Association. He said that he would like to request the Selectboard to actively support the Association's request to Sarah L. Stewart, Commissioner of the Department of Natural and Cultural Resources (DNCR), for a public hearing regarding the Pawtuckaway State Park expansion for the addition of 35 campsites

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suitable for RV style camping. The public hearing is requested to be held at the Nottingham town offices as soon as possible. Mr. Duffy then read into the record the request letter to the DNCR Commissioner in its entirety and listed all the people and organizations who received a copy of it. The letter was sent last week.

Mr. Duffy reiterated that the Association is seeking active support from the Town, as it believes that public hearings work and give people the opportunity to voice their concerns. He also added that the Association would like to see that the State begins to contribute towards management of invasive species, given that the proposed project will have an increase in negative impact to the area.

There was discussion on what the purpose of this public hearing will be and whether there is a chance that it will turn into an unruly event with a lot of people complaining about the state. Another discussion was about the need for the state to contribute towards the removal of milfoil and other invasive species around its camp sites and the fact that the state would not do it for one water body if it is not doing it for all. Discussion continued on whether this meeting may be beneficial and that, first of all, it will provide transparency to the process and a record to these discussions with the state where various ways of cooperation could be discussed, and people could provide suggestions to them which will be on the record. Another matter that was brought up is the fact that the state's sponsored activity on the lake shore can ultimately result in increased service costs to the Town, and that the state should be discussing such things with the Town as well as participating in the stewardship of the lake.

Mr. Duffy answered questions about ARPA funds and their allocation to the state parks.

Ms. Danis suggested that Mr. Bartlett, who is also the State Representative, will make the call in support of the public hearing request. She asked Mr. Scruton to add that to the list of action items.

Mr. Duffy also thanked the Selectmen for putting the funds for controlling invasive species back into the budget. There was a brief discussion about the fact that not much of that money is getting used every year, and Mr. Duffy explained that they are trying to be conservative and also find other sources of funding but added that they could use more paid divers if needed.

### **Town Administrator Report (continued)**

Ms. Danis asked Mr. Scruton to continue with his report.

Mr. Scruton provided an explanation for the difference in percentages was that he was using the actual tax rate increase amount of \$3.77 and not the projected one of \$3.59.

Selectmen asked Mr. Scruton to provide an easier to understand explanation so that it would be clear to them and the public. Mr. Scruton said that he will do that. Then Mr. Scruton said that the projected Town portion of the tax rate on the Operating Budget is \$3.08.

Ms. Danis said that she would like to approach the process on recommending the Warrant Articles as it was done in the past.

*Mr. Dumas made a motion that the Selectboard recommends **Article B** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$90,000 (Ninety thousand dollars) to be added to the previously established Town building maintenance and repair expendable trust fund. The sum is to come from unassigned fund balance. This expendable trust is used for maintenance and repair of heating, plumbing or other major systems in town buildings or facilities. The estimated tax impact is \$0.00 per \$1,000 of property valuation. Mr. Eaton duly*

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*seconded. Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a motion that the Selectboard recommends **Article C** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$400,000.00 (Four Hundred Thousand Dollars) for highway reconstruction and maintenance work for work on Flutter Street and Oak Ridge Road topcoat to protect the base), Deerfield Road (reconstruction), or other roads in Nottingham if a priority arises. This is a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the work is complete or not later than one year after the end of fiscal year 2023, whichever occurs earlier. Majority Vote Required. The tax impact is \$0.48 per \$1,000 of property valuation. Mr. Morin duly seconded.*

*Discussion ensued on whether the road names should be listed in the Warrant Article or whether generic language is more acceptable. There were concerns with the fact that the SB2 process may affect the vote if the language is not explanatory enough or if the Board is not very efficient with providing guidance and education on what the Warrant Article is set to cover. Consensus was that the Board has to provide a very detailed explanation and present the Warrant Article to the public at the Deliberative Session so that there is no confusion why it was decided to be done that way. Mr. Scruton also requested to reverse the order of the work listed to read “and maintenance work for topcoat to protect the base on Flutter Street and Oak Ridge Road, Deerfield Road (reconstruction), or other roads in Nottingham if a priority arises. Members agreed.*

*Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a motion that the Selectboard recommends **Article D** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$90,000.00 (Ninety Thousand Dollars) to be used for engineering projects including culverts on Kelsey Road and Cooper Hill Road and the library parking lot. The sum is to come from unassigned fund balance. Majority vote required. The estimated tax impact is \$0.00 per \$1,000 of property valuation. Mr. Bartlett duly seconded and motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a motion that the Selectboard recommends **Article E** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$6,000.00 (Six Thousand Dollars) to be used for improvements to the library entrance including accessibility for ADA compliant door opening device. The sum is to come from unassigned fund balance. Majority vote required. The estimated tax impact is \$0.007 (less than 1 cent) per \$1,000 of property valuation.*

*There was discussion about the tax impact and use of unassigned fund balance and Mr. Scruton said that the line about unassigned balance use was there by mistake and should be taken out.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a new motion that the Selectboard recommends **Article E** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$6,000.00 (Six Thousand*

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*Dollars) to be used for improvements to the library entrance including accessibility for ADA compliant door opening device. Majority vote required. The estimated tax impact is \$0.007 (less than 1 cent) per \$1,000 of property valuation. Mr. Eaton duly seconded and motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a new motion that the Selectboard recommends **Article F** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$100,000.00 (One Hundred Thousand Dollars) to be added to the Highway Truck Capital Reserve Fund previously established. Majority vote required. The estimated tax impact is \$0.12 per \$1,000 of property valuation. Mr. Morin duly seconded, and motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

Mr. Bartlett noted that the reason he voted for this article is that according to the CIP the two big expenses that are coming up for the Highway Department are in 2028 and there may not be enough money to cover them if the contributions are smaller in prior years.

*Mr. Dumas made a new motion that the Selectboard recommends **Article G** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$100,000.00 (One Hundred Thousand Dollars) to be added to the Highway Truck Capital Reserve Fund previously established. Majority vote required. The estimated tax impact is \$0.12 per \$1,000 of property valuation. Mr. Bartlett duly seconded. Motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a new motion that the Selectboard recommends **Article H** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$20,000.00 (Twenty Thousand Dollars) to be added to the previously established Revaluation Capital Reserve Fund for the purpose of performing a statutory revaluation of property every five years. The sum is to come from unassigned fund balance. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation. Mr. Bartlett duly seconded.*

Mr. Scruton explained where the funding for this Warrant Article will come from and the vote was taken. Motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a new motion that the Selectboard recommends **Article I** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to be added to the Invasive Species Prevention and Eradication Removal Expendable Trust Fund previously established. Majority Vote Required. The estimated tax impact is \$0.01 per \$1,000 of property valuation. Mr. Morin duly seconded. Motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

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*Mr. Dumas made a new motion that the Selectboard recommends **Article J** to be put on the ballot to see if the Town will vote to raise and appropriate the sum of \$40,000.00 (Forty Thousand Dollars) for the purpose of purchasing the necessary fuel, supplies, equipment and maintenance to run the ambulance and billing services for 2023; and to authorize the withdrawal of \$40,000.00 (Forty Thousand Dollars) from the Ambulance and Equipment Replacement Special Revenue Fund created for this purpose. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation. Mr. Bartlett duly seconded. Motion passed by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

***Motion to recommend passes with a 5:0 vote.***

*Mr. Dumas made a new motion that the Selectboard recommends **Article K** to be put on the ballot to see if the Town will vote to establish a Police Technology Equipment Expendable Trust Fund for purchase and major repairs of technology equipment for the Police Department including but not limited to mobile data terminals, cameras, servers, radios, tasers, radar units, etc., naming the Board of Selectmen as agents to expend and further to raise and appropriate \$10,000 into the fund. Majority Vote Required. The estimated tax impact is \$0.01 per \$1,000 of property valuation.*

***Motion to recommend passes with a 5:0 vote.***

8. Mr. Scruton said that there were two articles that were submitted by petition. He noted that he submitted them to the New Hampshire Municipal Association for legal review and they noted that Article L will need an amendment at the deliberative session because of an incorrect date listed for the tax cap adoption, which was in 2022 and not in 2023 as the article states.

Discussion ensued about whether the Board needs to vote on both of them and Mr. Scruton said that Article M is seeking to raise and appropriate funds, therefore, it needs a vote; whereas Article L does not.

*Mr. Dumas made a new motion that the Selectboard recommends **Article M** to be put on the ballot to see if the Town of Nottingham shall raise and appropriate \$40,000 for the calendar year of 2023 in order to contract with a property management firm to make repairs to facilities as needed according to priority as determined by the Select Board and to provide maintenance of facility grounds? Tax impact \$.05/thousand.*

Mr. Scruton noted that the tax impact language will have to be rewritten to match the other articles.

Discussion ensued on whether there should be an employee hired to perform all these duties or contracting a company as the article states. Ms. Danis noted that the language is quite specific and that she was not sure whether hiring an employee is possible due to that. Members continued to discuss the intent of the petitioner and a possibility to amend the verbiage to make it more general to avoid being limited to who can be hired to carry out those various projects.

*Mr. Eaton duly seconded the motion. Motion carried by a 3:2 roll call vote: Ms. Danis – aye, Mr. Morin – aye, Mr. Eaton – aye, Mr. Bartlett – nay, Mr. Dumas – nay.*

***Motion to recommend passes with a 3:2 vote.***

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Mr. Dumas noted that he is only voting nay as he is in favor of amending the language at the deliberative session.

9. Mr. Scruton asked the Board if there was a preference on the order of the Articles? Ms. Danis expressed a preference that the order of articles is discussed at the next meeting to give members some time to think about it. She also said that members should consider preparing in order to be able to present the articles, along with the Department Heads and explain why they support them. Members discussed the logistics.

10. Mr. Scruton said that he asked New Hampshire Municipal Association two questions. First is what is the deadline by which the Town needs to spend the NHDOT funds? The answer was that these funds are non-lapsing and as such, sit outside the budget, and have to be accepted as unanticipated revenue under RSA 31:95-b. They will not be reported as revenue on the MS 434 as unanticipated funds. Second question is what is the deadline for ARPA money? The answer was that ARPA funds must be obligated by 12/31/2024 (legally obligated). They must be fully expended by 12/31/2026.

11. Mr. Scruton said that the Fire Chief reported all but one vacancy filled and the department is now on 24 hour shifts.

12. Mr. Scruton said that he has drafted a chart with the highway vehicles and ran the model to 2034. It is clear that the Town needs to put aside at least \$100,000 a year (more if inflation continues) to maintain cash flow and replacement of vehicles. Even with \$100,000 a year there will be a problem with 2037.

There were some questions to Mr. Scruton as to what the 4.3 number refers to in the paperwork he provided in the packet and he explained that this was the percent change in the operating budget. He said that he will add some explanatory language to the table to make it clearer.

Mr. Morin said that he will be meeting with the Fire Chief about the department and will provide an update to the Board after.

*Mr. Eaton made a motion to adjourn the public meeting at 8:11 pm. Mr. Morin duly seconded. Roll call vote: Mr. Bartlett-yay, Mr. Morin-yay, Mr. Eaton-yay, Ms. Danis-yay, and Mr. Dumas-yay. Unanimously approved by a vote of 5-0.*