

Nottingham Select Board Meeting

02/20/2024

Selectmen Meeting Minutes

Call to Order

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

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

Members Excused: Ben Bartlett.

Mr. Bartlett was excused from the meeting; therefore Mr. Morin took over chairing.

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

Approve Manifests A/P 2/20/2024 and Payroll 2/21/2024

Mr. Dabrieo made a motion to approve the manifests for A/P 2/20/2024 and Payroll 2/21/2024. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Shirland – aye.

Approve public minutes 2/5/2024

Members reviewed the 2/5/2024 draft minutes and made several changes.

Mr. Dabrieo made a motion to approve the public minutes for 2/5/2024 as amended. Mr. Welch duly seconded. Motion carried by a 3:0:1 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Shirland – abstained.

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

Budget Committee

The committee did not approve the school budget for 2024-2025 due to changes at the deliberative session.

Planning Board

There is progress on several subdivision projects. One project, a 25-lot subdivision off Smoke Street, is in the final stages with approval pending, subject to meeting certain conditions. Another project proposes 17 lots and is set for a site walk on Saturday, March 9th. Two Board seats are still vacant, and interested individuals can apply for three-year terms.

CIP Committee

- Has not met since the last general meeting.

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Marston

- Has not met since the last general meeting.

Town Administrator Report

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

Action Items:

- ***Petition for License – Utility Poles – NH Electric Coop for (6) new poles on Dolloff Dam & Lamprey Road. Request motion to approve.***

Ms. White noted that the Public Works Director has already signed off on the petition. These poles are intended to connect to new homes being built in the area.

Mr. Welch made a motion to approve the Petition for License – Utility Poles – NH Electric Coop for (6) new poles on Dolloff Dam & Lamprey Road. Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Shirland – aye.

- ***Map Maintenance Proposal/Contract - CAI Technologies for annual tax map maintenance and updates. Contract amount of \$3,800 has been included in proposed operating budget. Request motion to approve.***

Ms. White noted that there was a slight increase of \$200 compared to the previous year's fee. Since this is an annual contract, it is customary to renew it each year.

Mr. Shirland made a motion to approve the Map Maintenance Proposal/Contract - CAI Technologies for annual tax map maintenance and updates in the amount of \$3,800. Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Shirland – aye.

General information:

The New Hampshire Department of Transportation (NHDOT) will hold a public meeting on March 14th at 1:30 PM at Room 112/113 located at 7 Hazen Drive to discuss the proposed bridge replacement project on Route 152. This meeting will be a preliminary one, with another public hearing planned for Nottingham due to previous low attendance at similar events. The purpose of the meeting on March 14th is to prepare for the upcoming public hearing and discuss the project's details.

Additionally, there will be a public hearing held in Nottingham Town Hall on March 20th, likely at 7:00 PM, although the exact time is pending confirmation. This hearing aims to gather public input and feedback on the bridge replacement project.

The proposed construction plan involves a rapid 30-day construction period, during which Route 152 would be closed. Alternate routes would be marked, likely using Priest Road. This approach aims to minimize environmental impact due to the surrounding wetlands.

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Concerns have been raised, particularly by the Police Chief, regarding the 30-day closure. However, the NHDOT believes this approach is necessary given the condition of the bridge, which has been red listed since 2012.

The public hearing on March 20th will allow for public comment, providing an opportunity for residents to express their concerns and opinions. Ms. White will ensure that notices for both meetings are promptly posted, including on the Town's website.

Employment Opportunities:

Administrative Assistant/Assessing Coordinator – advertised until 3/4/2024. Several applications have already been received and are being reviewed.

Heavy Equipment Operator/CDL Truck Driver/Laborer – advertised until position filled.

Firefighter/EMS (FT) – advertised until position(s) filled.

Police Officer (FT) – advertised until position(s) filled.

Solid Waste Facility Principal Operator – advertised until position filled.

Tabled from 2/5/2024

Seth Peters (7 pm appointment):

Miss White said she provided some information for the Select Board for the appointment.

Policies Review/Update:

Still pending Primex review - The Safety Manual presented in your packets was created by the Joint Loss Safety Management Committee almost two years ago but was never adopted. This manual has been sent to Primex for their review/recommendations and should be ready for adoption at your next meeting.

Additionally, the no smoking policy, also presented by the JLSMC, should be considered for adoption, to also be included in the Town's personnel policy update but should be a standalone policy in order to enforce on the Town properties referenced.

The discussion revolved around the implementation of a smoking policy at Town facilities. Various points were debated, including the placement of signage, enforcement measures, and whether the policy should apply solely to employees or extend to the general public. Signage was proposed for general entrances to indicate a smoke-free environment, with consideration given to designated smoking areas. There was also discussion about ensuring clarity on expectations for employees, such as maybe smoking only in personal vehicles. Enforcement was seen as more about promoting common courtesy rather than strict enforcement, with an emphasis on clear communication of expectations and designated areas. Specific areas where smoking might pose a problem, such as near entrances during events or in parking lots, were also discussed. The consensus leaned toward the belief that individuals would likely comply with the policy out of respect for others. Ms. White will put together some proposed signage for the Board to review.

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Correspondence:

Don Fernald, the moderator, emailed to bring attention to the issue of illegal signs placed in front of Town offices and the Town dump. According to her e-mail political signs must state the name and address of the group or party that paid for them to be considered legal. Generally, postings are not allowed on public property without approval from the Board of Selectmen.

Signs that were placed across the street from the Town office, particularly by the North River Preserve, were not permitted as permission had not been granted by the property owner. The Conservation Commission was requested to remove any unauthorized signs. If signs are removed, they will be kept at the Town office for retrieval by the owners. Mr. Morin asked to be provided with the names of people whose signs are being removed so that he could contact them.

Regarding signs placed near the Town dump, if they are on private property with the owner's permission, they are permissible. However, if they are on public property without permission, they will be removed.

Additionally, Mr. Gonzalez requested the results of a discussion held on January 22nd, which have been summarized and made available for him to pick up at the Town office. Information regarding the state's replacement of private wells, mentioned during a previous meeting, was also printed out for reference.

APPOINTMENTS

Seth Peters (7 pm appointment):

Seth Peters, 23 Old Mill Road, brought up his request for access to his 25-acre landlocked property off Canard Road to engage in timber harvest. To petition the Selectmen for access, Mr. Peters was advised by NH Forestry Department and by a local forester to follow the process outlined in RSA 231:40, which allows property owners to petition the Selectmen to designate a road for access to their property if it is landlocked only for the purpose of timber cutting. The Selectmen have the authority to grant such requests, provided they find them reasonable and within the bounds of existing laws and regulations.

He also alleged that the property lines for his land are inaccurate on the tow tax maps. Mr. Peters was advised to provide a survey signed by licensed New Hampshire surveyor in order to correct the tax maps. Mr. Peters mentioned that Winter Street, an old paper road (range way) should serve as the access point to his landlocked property as it had originally when the lot was created. However, he noted that it has been blocked off with gravel by a neighboring property owner who is not willing to provide access to Mr. Peters under any circumstances. Mr. Peters had also previously applied to build a single-family home on the property but was denied due to the lack of a legal right of way.

He sought permission from the Selectmen to designate a road for him to access his property, preferably using Winter Street.

The Selectmen expressed concerns about the accuracy of the tax map, discrepancies in property lines, and potential impacts on neighboring properties. They suggested that Mr. Peters first reach

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out to neighboring property owners, to explore the possibility of obtaining access through their properties.

The Selectmen agreed to revisit the issue after Mr. Peters gathers more information and communicates with neighboring property owners.

The suggestion was also made to contact the Nottingham Conservation Commission, highlighting that they have funding available for land acquisition through various sources, including current use tax funds. Additionally, it was noted that the commission has a history of purchasing land for conservation purposes and may have a specific process or formula for determining the value of the land. This option was presented as an alternative to timbering the land, as selling it for conservation could potentially yield a higher financial return while also contributing to the preservation of natural areas in the Town.

Assessing

2023 Municipal Assessment Data Certificate

The State of New Hampshire Department of Revenue Administration notified the Town of Nottingham about the median ratio for real property, set at 68.6% for the tax year 2023. This indicates properties are assessed around 30% below market value. Nottingham plans a reassessment in 2025. Residents can expect higher property values, possibly offset by lower tax rates.

Review Action Items From Last Meeting

- Well replacement request Mr. Gonzalez – Discussed as part of the Town Administrator's report.
- Smoking policy - Discussed as part of the Town Administrator's report.
- Release of attorney-client privileged communication to Mr. Reed regarding using impact fees for a new well at Marston.

Mr. Dabrieo made a motion to release attorney-client privileged communication from Upton Hatfield to the Select Board dated January 23, 2024 regarding using impact fees for a new well at Marston. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo - aye, Mr. Welch - aye, Mr. Shirland - aye.

GENERAL BUSINESS

2024 Voter's Guide

The Board extensively reviewed the Voter's Guide, which is set to be posted on the Town's website. The guide includes information on candidates running for various positions, as well as explanations of each Warrant Article based on the Board's interpretation. Additionally, the guide will detail recommendations from the Select Board and Budget Committee on each article.

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Ms. White listed the latest amendments to the Warrant Article 's up the Town's Deliberative session:

- Warrant Article 12 - changed from \$105,000 to \$150,000 as the Warrant Article was supposed to reflect;
- Warrant Article 17 - changed to request permission to remove suspicious materials in regard to courtesy inspections of boats at the boat launch at Fundy boat ramp in Pawtuckaway State Park;
- Warrant Article 21 - contingency upon approval of the Town's engineering firm for the acceptance of Maple Ridge Road.

There was also a discussion about potentially adding a section to the guide that provides an estimated tax impact if all Warrant Article s were to pass. This addition aims to offer voters a clearer understanding of the potential financial implications of their votes. Ms. White will add the tax impact statement at the end of the Warrant Article section of the Voter Guide.

There was also discussion about touring the Town Beach property with its owners, who had experienced issues with trespassers. The matter was proposed to be added to the agenda for the next meeting to discuss how to address the problem.

The next meeting was scheduled for March 4th, the week before voting.

Public Comment

- Jaye Vilchock, inquired about the existence of a written policy and procedure for submitting complaints to the Town.

The Board confirmed that such a policy does exist and is not solely for employee-related complaints but also for general Town procedure complaints. The process involves forwarding complaints to the relevant department for resolution, with potential escalation to the administration or the Board of selectmen depending on the nature of the complaint.

There were more questions about the closure process for complaints and whether there is confirmation provided to the complainant regarding the resolution.

The Board acknowledged the need for clarity and improvement in documenting and tracking complaints and their resolutions, with mention of a spreadsheet used specifically for tracking road-related complaints.

Mr. Vilchock also inquired about the availability of the complaint form and whether emails are acceptable as a form of complaint submission.

The Board confirmed that emails are indeed accepted, and there was mention of the complaint forms being available at the Town office.

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- Linda Przychodny, 16 Camelot Dr. raised several questions and concerns. Firstly, she discussed the Warrant Article regarding funding for exploring a new police department. She mentioned the need for an emergency exit path for police vehicles and suggested utilizing an old Town road if available. She also suggested considering using the old Fire Department for the new Police Department station if the Warrant Article passed.

It was noted that the \$40,000 Warrant Article is aimed at exploring various options for the police department.

Additionally, Ms. Przychodny inquired about the public official bonds carried by the members of the Board and the Town's officials.

It was noted that all public officials in New Hampshire are required to have surety bonds. The Town provides these bonds through its insurer, Primex, with specifics varying based on positions.

Ms. Przychodny also questioned if Nottingham had a health department.

She told by the Board that Dale Sylvia serves as the Health Officer and Code Enforcement Officer. Qualifications for these roles can be provided upon request.

Ms. Przychodny also questioned the allocation of funds for highway and road projects, particularly regarding the amounts approved by the Warrant Article s and the ones in the budget.

It was clarified that in 2023, a Warrant Article approved \$400,000 in addition to the \$200,000 budgeted in the operating budget, totaling \$600,000, and that the Warrant Article s are outside the budget. However, due to factors like weather conditions and staffing limitations, not all planned projects were completed, leaving unspent funds. These funds were carried over to the current budget year to be utilized for projects that have already been planned and contracted for, ensuring their effective use for necessary road improvements. It was acknowledged that the Town anticipates spending more than the budgeted amount for the current year's projects, with the carryover funds and the budgeted amount being used to address the backlog of projects and ensure essential road maintenance and improvements are completed. It was also noted that the financial statements will be available after the audit and will be provided in the annual Town Report as well.

Lastly, Ms. Przychodny expressed concern about potential issues during a bridge replacement project and the police having difficulties when the road is closed for a month and suggested using reserve funds to cover overtime costs for police officers during the project.

It was noted that using reserve funds would require a special meeting for approval. It was also noted that the bridge replacement would be in 2025 thus it pertains to the operating budget for the

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2025 fiscal year rather than the upcoming year. This leaves the Police Chief with potential options including budgeting for overtime within the Police Department's resources or seeking external funding from the state.

Non-Public Session

Mr. Morin moved to enter non-public session at 8:00 PM pursuant to RSA 91-A:3, II (a), (b) and (l). Mr. Dabrieo duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.

Non-public session was entered at 8:00 PM

Mr. Dabrieo moved to exit the public session at 8:32 PM, Mr. Morin duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.

Resumption of Public Session

Mr. Morin moved seal the minutes of the non-public session; Mr. Dabrieo duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.

The public session was resumed at 8:32 PM.

Adjournment:

Mr. Morin moved to adjourn. Mr. Dabrieo duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Morin – aye.

The meeting adjourned at 8:32 PM.

Prepared by Alvina Snegach from video recording

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DATE: Feb. 20, 2024

BOARD OF SELECTMEN MEETING

| NAME | ADDRESS |
|----------------------------|-------------------------------|
| 1. <u>Len Phillips</u> | <u>17 Rocky Hill Rd.</u> |
| 2. <u>LINDA PRZYCHODNY</u> | <u>16 Camelot Ct</u> |
| 3. <u>Doug Bater</u> | <u>30 Langsey</u> |
| 4. <u>Seth Peters</u> | <u>23 Old Mill Rd, Lee NH</u> |
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