

Nottingham Select Board Meeting

02/27/2023

APPROVED Minutes

Approved as amended on March 20, 2023.

Call to Order

Members Present: Chair Donna Danis, Vice Chair Tony Dumas, John Morin, Others: Interim Town Administrator John Scruton, Barb Thompson, Pat Alger, Pat and Wally Farrington Kristen Lamb, Herb and Diane Bernard, Doug Bates, Susan Mooney, Brook Shaefer, Paul Crovo, Roger Richard, Dallas Huggins, Drew Stevens, Frank Gonsalves, Frank Demeritt, Kevin Lumenello, and Steve Soreff.

Members Excused: Ben Bartlett, Tiler Eaton.

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

Steve Soreff requested permission to address the Board and after Ms. Danis agreed complemented the Board, Mr. Scruton, and the Moderator Dawn Fernald on conducting the deliberative session very well.

Approve Manifests

Mr. Dumas made a motion to approve the accounts payable manifest of 02-20-2023 and payroll manifest of 02-21-23. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

Approve Minutes

Mr. Dumas made a motion to approve the draft 02/06/2023 public minutes as presented. Mr. Moring seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

Mr. Dumas made a motion to approve both sets of the non-public minutes from 02/06/2023 as presented. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

BOS Reports from Assigned Boards/Committee: Budget, Planning Board, CIP, 300th, Marston

There were no reports from the Planning Board, Budget, or CIP Committees. Ms. Danis provided an update for the Marston Property Committees which is currently in the process of getting a list of materials and quotes for putting dug outs there.

There was a brief discussion about the 300th Committee funds and the need for a Town Meeting approval for any of its repurposing. Mr. Morin suggested that this needs to be discussed so that the public is aware.

Town Administrator Report

Mr. Scruton spoke about the following:

10. There is a green card in the packet that is ready to be sent out to the voters as a reminder to vote with a QR code that leads voters to the website with all the relevant election/voting

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information. There was consensus on behalf of the Selectmen to send it out.

1. **Action:** Cost of water softener and sediment trap at the Fire Station was \$4,745. Cost of winterizing the waterline coming into Town Offices is \$2,860. There will be additional expenses for replacing the well pump at the Town Office/Community Building and for the hot water tank attached to the boiler at the Fire Station for which Mr. Scruton did not have the exact numbers yet. The Building Expendable Trust has an uncommitted balance of \$6,735. Mr. Scruton asked whether the Board vote to approve \$4,745 from the Town Buildings Maintenance Expendable Trust Fund with the \$2,860 coming out of operating budget maintenance line?

There was discussion about which funds to cover these expenditures from. Commissioners agreed that they would not be making any decisions on the expenses that do not have a cost estimate yet.

Mr. Dumas made a motion to approve expending \$4,745 from the Town Buildings Maintenance Expendable Trust Fund for the replacement of the water softener and sediment trap at the Fire Station. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

Mr. Dumas made a motion to approve the expending \$2,860 from the Town Operating Budget Maintenance Line for winterizing the waterline coming into Town Offices. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

3. **Action:** Copiers. The copier lease for the Town Hall is running out. The copier at the Fire Station is old and parts are going to be an issue. The plan is to lease a new copier for the Town Office, then buy out the copier currently used in the Town Hall (\$2,611.36) and have the copier company move it to the Police Station which uses a much smaller volume. The copier from the Police Station will be moved to the Fire station. This will also mean all three copiers will be covered by a maintenance agreement based on copies. Mr. Scruton then asked whether the Board would authorize the Town Administrator signing the documents?
- Mr. Scruton then answered questions from the Board on the copier lease prices, maintenance costs, average number of copies annually per copier, concluding that overall, the costs will remain similar for the lease and maintenance, despite the changes, with only expense upfront being buying out the copier currently used in the Town Hall. Mr. Scruton also explained how the maintenance agreement works where the Town only pays for electricity and paper, while the copier company covers the rest.

Mr. Dumas made a motion to authorize the Town Administrator to sign the updated printing services contract. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

4. **Action:** The SAU is willing to extend the agreement with the Town for use of the school for after school care at similar rates, but this time for 5 years. Mr. Scruton said that this is desirable for the Town as it provides more certainty for budgeting purposes. He then asked if the Board would approve the agreement for the afterschool program?

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There was discussion about the need for the Town Counsel to review the agreement to make sure that there is not an unfair amount of liability put on the Recreation Department. Mr. Scruton also answered questions about the lease termination notification requirements in the agreement, and early termination fee amount. Ms. Danis said that she wanted to make sure that the Recreation Department gets sufficient notice for its budgeting purposes. Mr. Scruton will submit the agreement to the Town Counsel for review given the above noted comments from the Board.

8. Mr. Scruton said that there is also a very expensive subpoena that the Town has to respond to related to the lawsuit between the State of New Hampshire and 3M corporation over PFAs. The documents sought by the subpoena are related to the Town landfill and what testing has been done and what has been found throughout the years. Mr. Scruton added that every New Hampshire Town with a landfill has received the same request for documents. He added that it is 3M corporation that is making that request.

There was discussion about whether the Town will be compensated for the costs associated with collecting the data and Mr. Scruton said that the Town attorney indicated that it was not the case. He added that there will be legal fees as well as engineering fees incurred by the Town. Members also asked Mr. Scruton to find out how other towns are handling such requests and whether there is a way to collect this information with a minimum financial impact to the Town.

Mr. Scruton said that there were several appointments scheduled to begin at 7:00 PM and that he will continue his report after them.

Appointments - times tentative and subject to change

7:00 PM. Dallas Huggins

Dallas Huggins from 3 Sherwood Lane and Kristen Lamb, 17 Garland Road, both on the Nottingham Conservation Commission, introduced themselves and spoke about the negative impacts of using rodenticides in and around Town buildings and some alternatives which are a lot safer.

To set the context for the conversation, Mr. Scruton explained that the Town is under contract with a pest control company that uses poisoned bait which is eaten by rodents. The concern is that these poisoned rodents get eaten by wildlife and that is how these harmful chemicals get into the wildlife food supply.

Ms. Huggins is a local wildlife rehabilitator who spoke about the dangers of using anticoagulant rodenticides (especially of the second generation) due to them remaining in the tissues of the killed rodents for prolonged amounts of time, which causes those chemicals being ingested and harming the wildlife that scavenges these poisoned rodents. Ms. Lamb provided some statistical data on raptors being treated in the state and coming up positive for trace amounts of rodenticides in their blood.

Ms. Lamb said that Ms. Huggins will speak to more safe alternatives to rodenticides and added that she noticed that the pest control line item is roughly \$6,200 a year, which may be avoided with the use of these new methods.

Ms. Huggins spoke about non-lethal methods where prevention is the main goal and the rodents either cannot or would not get into the building, or other lethal methods that are much safer and humane. She said that she will pass around a handout with description of such methods and email it to the Board as well.

Ms. Lamb said that the first step to transition would be finding an alternative pest control company and have them do an assessment and a quote. She also said that Nottingham Conservation Commission is willing to work with various departments on figuring out ways to make their buildings less attractive to rodents.

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Discussion ensued about the viability of the proposal given the limited budget and the fact that Conservation Commission members may change and down the road may not be available to volunteer their time as they are proposing today. Ms. Danis suggested that Ms. Huggins and Ms. Lamb speak to the new Town Administrator who is expected to start in about a month, and then come back to the Board with a more defined course of action. Mr. Morin said that he is also going to be on the Board for another two years and asked Ms. Huggins and Ms. Lamp to keep him informed on the progress.

7:15 PM. Frank Gonsalves

Frank Gonsalves, 113 Kelsey Road, introduced himself and spoke about his concerns with the use of salt for ice control on his road and the effects it has on his groundwater. He spoke about the road salt being applied multiple times on the road and his well being only 25 feet away from it. Mr. Gonsalves said that the level of Chloride in pristine water is 30 milligrams per liter, whereas his water level is at 202 ml/l this year. Mr. Gonsalves distributed a handout to the Board which he stated backs up his claims of a problem that may be developing with his well water and with his garden which he waters from his well. He also said that when he washes his car, there are white spots all over it.

Mr. Gonsalves said that last year salt was applied 81 times and 27 times so far this year. He added that the Board decided to make his road a low salt use one last year but that he has not seen any evidence of it becoming such.

Mr. Gonsalves also spoke about salt poisoning, salt being a forever chemical that settles into the ground and pollutes aquifers, about other towns having issues with their wells due to high Chloride levels and needing replacement, which the state is doing in Dover due to the well being in close proximity to the state highway. He said that if the well is near a town maintained road then the town should be responsible for replacing it.

Mr. Gonsalves asked that salt is not applied to either Kelsey Road or West Lane for the remainder of this year. He also showed some snow pellets and rocks that he picked up from his driveway with one pellet weighing 0.4 ounces.

Mr. Gonsalves reiterated his concerns with his well, the aquifer, the pond nearby and vegetation that is suffering. He said that his goals of saving his well are not met. He invited the Board to come visit his property to see for themselves and said he has pictures as well.

Mr. Gonsalves also said that he would like to find out how much salt the Town has actually purchased to try to figure out how much is used per foot of roadway. He also said that Barrington and Dover are having issues due to salt use and Dover is beginning to use brine instead on some roadways.

Mr. Gonsalves concluded by saying that he would like to work with the Town, which he has lived in for a long time and has contributed to on various occasions.

7:30 PM Brooke Schaefer

Brook Shaefer from 25 Lamprey Drive, spoke about the E911 Plan for Lamprey Drive which was presented to the Board earlier and envisioned not changing the street name or house numbers for homes that are currently on Lamprey Drive and only giving the new name to the new road that connects to Lamprey Drive and has nobody living on it. She asked whether this was the plan the Board could move forward with.

There was a short discussion of where the new road proposed by this plan is located.

Paul Crovo from 24 Lamprey Drive joined Ms. Shaefer and said that Lamprey Drive residents along with people who are planning to build seasonal homes on the new road extension have paid for this connection to be built.

Mr. Scruton made copies of the plan that Ms. Shaefer had with her and distributed to the Board. Then Ms. Shaefer explained where things are on her plan.

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185 Pat Farrington from 14 Lamprey Drive addressed the Board with her concerns for the road and
186 her personal circumstances that require the road to be plowed. She said that her family has put
187 money into this road and would like to see it plowed.

188 After Ms. Janis noted that plowing and road acceptance was a separate issue than E911 plan, Ms.
189 Shaefer said that they were planning to address the road acceptance next.

190 Ms. Danis said that members of the Board had gone out to look at the road and expressed
191 concerns in particular with that corner suggesting that the residents provide a site plan and an
192 engineering plan to the Board to facilitate road acceptance, none of which were done.

193 Mr. Crovo said that the road name change was prompted by the connection being built and that
194 Chris has come up with this E911 plan, which he ran by the state and it had no issues with it.

195 There was a lot of back and forth between the Board and the public about what transpired before
196 with the Board insisting that they had asked for a site plan and an engineering plan as conditions
197 to accepting the new road and the members of the public insisting that there was a survey done,
198 which they sent to the Board and can send again and pointing out the pictures of the road that
199 they alleged was built according to the subdivision standards. Mr. Crovo insisted that the E911
200 issue is separate from road acceptance by the Town, while the Board was not inclined to separate
201 the two issues, given the fact that someone later down the road could come back and demand the
202 Town to maintain the road since they accepted the E911 plan. Mr. Crovo reiterated that the road
203 now connects two sections of Lamprey Drive and allows for safe and convenient passage of
204 emergency and plow vehicles.

205 Then there was more back and forth on the historical part of Lamprey Drive and how the new
206 section was planned in the sixties but only got built now. There was also discussion of the Town
207 accepting Moore Road without standards and that it was done at the Town Meeting and not by
208 the Board of Selectmen, which is probably how this new section of Lamprey Drive will have to
209 be accepted as well, should it come to it.

210 Herb Bernard from 22 Lamprey Drive spoke about the fact that initially each homeowner
211 building on Lamprey Drive had to extend the road to their property and that is how it got built.
212 He added that the latest new section of the road is probably built better than any older part of it.

213 There was discussion on whether the Board should wait until spring time to have someone take a
214 look at the road to see if it was built according to acceptable standards.

215 Then there was more back and forth on the historical details of the issue with some disagreement
216 between the Board and the residents on what had transpired originally when they came in asking
217 the Town to keep their addresses, which was conditional on them building a road to the specs
218 acceptable to the Town and conditioned on having a site plan and an engineering plan.

219 Mr. Morin said that he is agreeable to accepting the road without having to pay for the engineer
220 as this is only a 200 ft stretch of road which connects two roads that have been accepted by the
221 Town already. He also said that E911 plan makes sense if the road is accepted and is the least
222 impactful to the existing residents.

223 Mr. Dumas spoke about the fact that he also does not see why the 200 foot stretch of new road
224 connecting two existing parts of Lamprey Drive should not be accepted but disagreed with no
225 need for the engineer to assess whether it is built to Town standards in the spring. He was also
226 agreeable with the E911 plan.

227 After a brief discussion on the legality of the Board accepting the road versus the Town Meeting,
228 Ms. Danis spoke about the need to follow the proper process and the need for the engineer to
229 review the road construction.

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Mr. Morin made a motion to approve Lamprey Drive as drawn on the map plan for E911 purposes. Mr. Dumas duly seconded and motion carried with a 2:1 roll call vote: Mr. Morin – aye, Mr. Dumas – aye Ms. Danis – nay.

After Mr. Scruton asked the Board permission to hire an engineer to review the road when conditions allow, discussion ensued on whether the Town should use its highway staff to review instead. Ms. Danis opined that after the Town had received numerous complaints about roads it accepted, there was a decision made to use engineers for road construction and assessment going forward.

In the end it was agreed that Mr. Scruton should have the Highway Department Director Shawn McLean look at the road and bring his report to the Board first. Based on his report, the Board can decide whether further engineering review is necessary.

Ms. Danis also said that Mr. Morin's motion only referred to accepting the E911 plan, and did not imply acceptance of the road.

4. **Action: SAU agreement for after school care** (continued).

Mr. Scruton said that he checked the agreement and it stated that it sets a 60 day termination notice. Discussion ensued about what would be sufficient for the Recreation Department budgeting purposes and agreement was that it should be nine months prior to the start of the next school year n and that the lease cannot be terminated within the current budget year. Mr. Scruton said that he will talk to the Recreation Department Director as well and work out the correct wording to have the Board look it over once more before submitting the agreement to the Town attorney for review.

5. **Action:** To help the new Town Administrator Mr. Scruton have prepared an Organization Chart that he believes reflects the current situation. He added that Ms. Dallaire is matching each of the boxes to a name, phone number and email address. Mr. Scruton asked whether there was consensus of the Board to approve it.

The members did not have any issues with it.

6. **Action:** The ice storm caused the Town to spend \$8,500 unexpectedly on tree and limb removal with Timber Falls Tree Service. Mr. Scruton requested the Board to take it out of the extra highway money that the Town received last year (\$129,777). The plan is to take the utility truck and plow out of this line, but there still should be enough. He then asked if the Board would authorize using the extra NHDOT money for this?

There was consensus of the Board to allow Mr. Scruton to use the NHDOT funds for tree clean up.

7. **Action:** Mr. Scruton received a request from Robert McQuigin to create a space at the Town Offices for those missing in action with a black empty chair, two large flags and a plaque. That would be significantly more than the honors given there for others who have fought and died (some have plaques, many veterans of wars nothing). Mr. Scruton suggested the Town offer to put up a plaque honoring any missing in action from Nottingham or a plaque honoring all who have fought and died or gone missing as a general statement.

There was consensus of the Board with Mr. Scruton's suggested course of action until Mr. Morin asked a question about who will be paying for the plaque and whether the requester was a resident of the Town. Mr. Scruton responded that he did not indicate being willing to pay for it, nor that he was a resident. He said that he is doing it in other towns as well. Then the Board decided to table the issue until there is more information provided.

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- 275 9. **FYI:** Pipes again frozen at the Town Offices-Community Center in the wall of kitchen.
276 Foam insulation put in, but the when the work was done on the kitchen pipe, it should have
277 been brought inside underground.
- 278 11. **FYI:** Conservation Commission has concerns regarding salt usage. Two of the members
279 will/have sat down with the Public Works Director and Town Administrator to discuss what
280 is actually happening along with cost estimates on some of their solutions before going to
281 the Select Board. Mr. Scruton said that there are two areas that should be low salt use and
282 both are in the aquifer on the level ground. Conservation Commission agreed to buy low salt
283 signs for those. There was a problem with steeper roads like West Lane which Mr. McLean
284 has an issue with using low salt on due to safety concerns.
- 285 12. **FYI:** The Town received a copy of an alteration of terrain permit for Eversource on the
286 power lines.
- 287 13. **FYI:** The Public Works Director would like an office that was quiet. The suggestion to
288 move the Recreation department into the Meeting Room retaining Kortney's office would
289 leave what is now Bridget's and Emma's office as a possibility.
- 290 14. **FYI:** The cost of fixing the heat in the food pantry and community room is \$13,225.
291 There was discussion of both office request and fixing the heat and the Board requested an itemized
292 budget for all the expenses related to both.
- 293 15. **FYI:** The cost for new broadcast/recording equipment for meeting room is about \$14,000
294 including labor and depending upon options. There is \$30,000 in the fund. The Board needs
295 to select an option regarding which room will be the meeting room and do some work
296 before proceeding.
- 297 There was discussion of possibly having the new Town Administrator tackling these problems
298 when she begins her tenure with the Town. Members reiterated the need to have the itemized
299 budget for all the projects similar to that one that need to be done and where the money will be
300 coming from.
- 301
- 302 Ms. Danis said that this would be a good time to announce to the community that there new Town
303 Administrator will start working on March 22nd. Her name is Ellen White and she has over 10
304 years of town administrator experience in the Town of Ossipee and Freedom. Ms. Danis said that
305 Ms. White will do great in Nottingham. She also thanked Mr. Scruton for doing a tremendous job
306 and helping the Town during this time of transition and asked if he could plan a week of overlap
307 with the new Town Administrator and establish a line of communication after he leaves in case
308 there are questions.
- 309

310 **Assessing**

311 *Mr. Dumas motioned to approve the Elderly Exemption for Map 26, Lot 4. Mr. Morin duly*
312 *seconded and the motion passed by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr.*
313 *Dumas – aye.*

314 *Mr. Dumas motioned to approve veterans credits for Map 38, Lot 31; Map 71, Lot 125; Map*
315 *43, Lot 24; Map 18, Lot 8, Map 6, Lot 22-a1; Map 7, Lot 3-2; and Map 52, Lot 11. Mr. Morin duly*
316 *seconded and the motion passed by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr.*
317 *Dumas – aye.*

318

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319 Roger Richards approached the Board with a request to ask everyone to vote for him as he is
320 running for Selectmen. Ms. Danis noted that this is not the appropriate forum for such requests.

321

322 **Non-Public Session**

323 *Mr. Dumas moved to enter a non-public session per RSA 91-A:3, II (a) at 8:40 PM, which was*
324 *seconded by Mr. Morin. Motion passed by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye,*
325 *Mr. Dumas – aye.*

326 Non-public session was entered at 8:40 PM

327

328 **Resumption of Public Session**

329 Public session was entered at 9:45 PM.

330

331 *Mr. Morin moved to exit and seal the minutes indefinitely at 9:45 PM, Mr. Dumas duly seconded.*
332 *Motion passed by a 3:0 roll call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

333

334 **Adjournment:**

335 *Mr. Morin moved to adjourn the meeting. Mr. Dumas duly seconded. Motion passed by a 3:0 roll*
336 *call vote. Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.*

337

338 Meeting adjourned at 9:46 PM.