

Nottingham Select Board Meeting

02/06/2023

APPROVED Minutes

Approved as presented on February 27, 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, Bridget Hart, Assistant Parks & Recreation Director, Kortney Duball, and Steve Soroff.

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

Steve Soroff 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 02-06-2023 and payroll manifest of 02-07-23. Mr. Morin 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 01/16/2023 and 01/24/2023 and 01/30/2023 public minutes as presented. Mr. Eaton seconded. Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – aye.

Mr. Dumas made a motion to approve both sets of the non-public minutes from 01/24/2023 as presented. Mr. Bartlett seconded. Motion carried by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – aye.

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

There were no reports from the Budget, CIP, or Marston Property Committees.

There was a brief discussion about the 300th Committee and the need to take down the banners and other decorations and whether they should be made available for purchasing. Mr. Scruton also noted that at some point a decision would have to be made on the fate of the 300th fund, whether it would be changing its purpose or lapsing it back to the General Fund, and the decision will have to be made by the Town Meeting. He added that there might be outstanding bills this year related to taking down the banners and that is why it was not put on this Town Meeting.

Town Administrator Report

Mr. Scruton spoke about the following:

1. **Action:** Backhoe. Mr. Scruton said that management was unable to find a good used machine. There were three quotes for a new machine of which the value pricing from the State Bid is close to the prices for good used one. The State quote came in at \$124,000 for a Caterpillar with the trade in value included and a number of attachments that most would not have. Mr. Scruton said that the other two quoted prices were \$147,000 and \$177,000. He also said that

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if the Caterpillar had been purchased in November of last year it would have been nine thousand less. Mr. Scruton then answered questions from the Board about the machine being replaced, the quote, how the search for a used machine went and why it was unsuccessful. Mr. Scruton said that he would like the funds for the purchase to come from ARPA.

There was a brief discussion about using ARPA funds and how much will remain of those after the purchase of the backhoe. Also discussed was how much was achieved with the use of ARPA funds already.

Mr. Eaton raised a concern over maintenance and Mr. Scruton said that it would be done by Caterpillar and there will be a warranty agreement on it.

Mr. Dumas made a motion to approve the purchase of the Caterpillar backhoe with attachments and trading in the "telehandler" machine, using \$124,000 of ARPA money for this for this purchase. Mr. Eaton duly seconded.

There was discussion about the excavator owned by the Town and whether the backhoe is going to be more efficient. Mr. Scruton said that it might be a good idea to go through a summer season to see how much the excavator is used before making a decision to sell it while it still has resale value.

Members also discussed the projects that ARPA had already funded and the fact that there is a timeline associated with spending those funds down which expires at the end of next year.

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

2. **Action:** The fire station heating system had additional costs as both floor pumps had to be replaced. The expansion tank had also to be replaced and there is a need to put a water softener out there. The cost of work done to date to fix the two boilers and related deferred maintenance issues on the entire heating system is \$56,300 and Mr. Scruton is asking the board to change the approval from \$44,000 to \$56,300 from ARPA funds.

There were questions from the Board about prospects of installing a water softener to avoid future problems with the boilers and a short discussion about the purpose of the APRA funds.

Mr. Dumas made a motion to approve increasing appropriation for the fire station boiler repairs from \$44,000 to \$53,300 to be sourced from ARPA funds. Mr. Bartlett duly seconded. Motion passed with a 5:0 roll call vote: Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – aye.

3. **Action:** The library furnace came in at a final cost at \$7,375. The final cost on the Town Hall water expansion/pressure tanks was \$6,840. He asked whether the Board would request the total of \$14,215 from the Trustees of the Trust Fund out of the Town Building Maintenance and Repair Expendable Trust Fund? Mr. Scruton said that this amount is based on the actual bills and is a bit different from what the Board had voted earlier, so this number will be used to clarify to the Trustees what the actual amount spent was.

Mr. Dumas made a motion to approve adjusting the appropriation for the Library heating system and the Town Hall water expansion to \$14,215 and to request from the Trustees of the trust fund to take that money out of the Town Building Maintenance and Repair Expendable Trust Fund. Mr.

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Bartlett duly seconded. Motion passed with a 5:0 roll call vote: Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – aye.

4. Action: Proposed change to personnel policy.

Mr. Scruton spoke about his proposed changes to the personnel policy that are related to dispute resolution and grievance procedures. He said that the proposed language was contained in the meeting packet. Mr. Scruton suggested changes such as three working days to file the complaint and three working days to hear the complaint. The complaint would come to the department head, then to the Town Administrator, and eventually to the Board of Selectman, therefore setting a clear process pathway; whereas the current process is not defined and is written in a less formal way.

Mr. Dumas made a motion that the Selectboard approves adopting the updated dispute and grievance resolution procedure to be incorporated into the Town Personnel Policy. Motion passed with a 5:0 roll call vote: Mr. Bartlett – aye, Mr. Eaton – aye, Ms. Danis – aye, Mr. Dumas – aye. Mr. Morin – aye.

5. Action: Recreation-Space reorganization. Mr. Scruton said that Ms. Duball was back in the room and that the details of her request are attached to his report. Mr. Scruton spoke about two different options for the Recreation office, one of which would put a door from Korntey's office through that wall and this would become the rest of the office space for Recreation Department with possible storage area. The new meeting room would then be in the community room. The other option is to build new offices down there for the Recreation Department, although it will be farther from the gym. Mr. Scruton then went over the proposed budgets for each option.

Discussion ensued about the viability of the first option and its proposed budget which also had two options, one with the expanded room and one without. Members considered the necessity of taking down the wall, which would increase the cost but make the room bigger, thus allowing for more people to attend public meetings, which sometimes happens, especially for Planning Board. Then Mr. Scruton answered questions about fitting up the recreation department in the larger space and associated costs, the split of the total project budget between revolving fund and the Town budget, etc. Then members discussed the warrant articles that may be used to pay for this project and whether they were intended as such.

Ms. Duball spoke about pro's and con's of both options giving preference to the first one for safety and operations reasons. Ms. Danis noted that the second option will not require any funds from the budget but only from the revolving fund as it is much less expensive.

Mr. Scruton said that given the fact that the voters have not yet voted on either the Warrant Article nor the budget, the Board could defer this decision until after they do. He also said that he was hoping to get this out to bid and completing it before summer camp begins.

Discussion ensued about the use of the fund, and whether there were any savings in taking the money out as soon as it is put in; about the fact that if the Board does not feel that the use of the fund is appropriate for the community project, then option two becomes the only option.

Another discussion ensued about the fact that there is a committee currently reviewing all the facilities, with the purpose of providing recommendations to the Selectboard on which facilities should be prioritized and whether it is premature to make any decisions prior to hearing the

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conclusions of that committee. Mr. Dumas opined that those facilities that have operational use on an everyday basis should be given priority regardless. Ms. Duball added that the community room that is currently used by the Recreation Department is not very warm in the winter time, which raised a question of what was included in the total amount for option one and what was not. Another point brought up by Ms. Duball was that if the Community room was fixed, the Recreation Department would be able to also use it when it is not occupied for meetings by various boards and committees.

Ms. Danis polled the members on whether they wanted to make a decision tonight or wait until the fate of the Warrant Article is decided by the voters and consensus was to wait. Ms. Danis also asked Mr. Scruton to see if there are any other things that did not get included into the project costs for option one with her concern being that the amount may become much larger due to unforeseen things like heating, insulation of the exterior wall, moving the electrical from the wall to be removed, etc.

6. **Action:** A resident wants his complaint brought to the Board. His argument is that one of the Town trucks backed into his mailbox granite post rather than hit it with the plow during snow clearing operations. Mr. Scruton said that the Winter Policy is also attached and that the Town's position is that it was still winter clearing operations and the Town will not pay for his granite post just as the policy prescribes. He then asked if the Board wanted to make an exception to this policy and fix the granite post?

Discussion ensued about the location of the post and whether it was in the Town right of way, which it was; the Town policy and the fact that it had never paid anyone for a broken post; the fact that this seems to clearly be an accident that there was no negligence or malice; and whether the Town can assist the person in putting the post back if it was not broken, which would be free for the Town.

Mr. Scruton said that he will check the details of the accident more thoroughly but at this time the answer he would give to the resident is no.

7. Mr. Scruton said that he believes that there should be a policy limiting the use of the Old Town Hall given its age, condition, lack of staff to supervise and the lack of a septic system. Mr. Scruton's suggestion was to limit its use to the municipal boards, committees, and Departments which are approved by the Board of Selectmen on a recommendation by the Town Administrator.

There was discussion about the use of the Old Town Hall versus the use of the Community building which has a new kitchen which is much safer and convenient. There was consensus on having the use limited to the Town organizations with prior approval by the Board of Selectmen. Then there was a suggestion to delegate the approval process to the Town Administrator alone to which the members also agreed.

8. Mr. Scruton said that the pipes froze in this building, which caused issues for the well pump which had to be replaced and that he sent an email to the Board about that. He also said that pipes in the Marston building were frozen too during the cold snap and suggested that the Marston building be professionally winterized for the winter as there is no reason to keep the water and heat on there during the cold season. He also said that the area where the water pipe

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comes into this building will have to be enclosed to prevent it from freezing in the future, and that he is hoping that it will be done when the oil tanks are put in and enclosed.

Assessing

Mr. Dumas motioned to approve the Intent to Cut for Map 46, Lot 7. Mr. Eaton duly seconded and the motion passed at 7:35 PM by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

Deliberative Session Review

There was a short discussion of the Deliberative Session that took place on Saturday and Ms. Danis suggested to send the residents a postcard with a link to the Voter Guide that will be posted on the Town website or with directions where to obtain a hard copy of the Voter Guide. Mr. Scruton suggested that the card should serve as a reminder to vote on March 14th and should in addition provide information on where to find the Voter Guide. Mr. Scruton said that he will circulate the draft of the card and Ms. Danis can circulate the draft of the Voter Guide.

Mr. Soroff also commented that he thought that the Town Website has become much more informative and that it was a very good development.

Non-Public Session

Mr. Dumas motioned to enter non-public session for the purposes described in RSA 91-A:3, II (a) and (b). Mr. Bartlett duly seconded and the motion passed at 7:35 PM by a 5:0 roll call vote. Mr. Bartlett – aye, Mr. Eaton – aye, Mr. Morin – aye, Ms. Danis – aye, Mr. Dumas – aye.

Non-public session was entered at 7:35 PM.

Resumption of Public Session

Public session was entered at 8:28 PM.

Mr. Dumas moved to exit and seal the non-public minutes indefinitely at 8:28 PM, 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.

Mr. Dumas made a motion to adjourn the public meeting at 8:29 PM. Mr. Eaton 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.