

Nottingham Select Board Meeting

04/17/2023

Approved as Amended 5/1/2023

Call to Order

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

Members of the public: Skip Seaverns, Chelli Tennis, Bob Desrosiers, Anthony Comeau, Francis & Mary Gonsalves, Robin Comeau, Steve Soreff.

Members Excused: Tiler Eaton.

Mr. Bartlett opened the meeting at 6:30 PM with the Pledge of Allegiance.

Mr. Soreff addressed Nottingham, the Board and the world. He said that he is Jewish and that today was the Holocaust Remembrance Day, or Yom HaShoah and that tonight was the night to remember those who have been lost to tyranny and remember to stop hatred.

Approve Manifests: A/P 4/8 & 4/17/23 Payroll 4/18/2023

Mr. Welch made a motion to approve the accounts payable manifest of 04-17-2023 Mr. Morin duly seconded. Motion carried by a 3:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye. Mr. Dabrieo – abstained.

Mr. Welch made a motion to approve the payroll manifest of 04-18-23. Mr. Morin duly seconded. Motion carried by a 3:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye. Mr. Dabrieo – abstained.

Approve public minutes 3/20/2023, 3/23/2023, 3/28/2023, 4/3/2023

Mr. Morin made a motion to approve the public minutes for 3/20/2023, 3/23/2023, 3/28/2023, 4/3/2023 as presented. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye.

Approve non-public minutes 3/23/2023 3/28/2023 4/3/2023

Mr. Morin made a motion to approve the non-public minutes for 3/23/2023, 3/28/2023, 4/3/2023 as presented. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye.

General Business

A. Election of Officers

Mr. Welch made a motion to elect Ben Bartlett as the Board Chair. Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye.

Mr. Bartlett made a motion to elect John Morin as the Board Vice Chair. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye, Mr. Dabrieo – aye.

B. BOS Representation to Committees

The following committee appointment were made:

- Tim Dabrieo – Marston, Capital Improvements Committee

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- John Morin – Planning Board
- Tyler Eaton – Budget Committee
- Steve Welch – Budget Committee

BOS Reports from Assigned Boards/Committees

Budget, Planning Board, CIP, 300th, Marston

There was nothing to report.

Town Administrator Report

Ms. White spoke about the following:

1. Selectmen's Meeting calendar has been updated to reflect meetings to be held on the first and third Monday of each month. The only dates in question are Monday, July 3 (eve of Independence Day) and Monday, September 4 (Labor Day). It was decided to look at those meetings closer to the actual dates to figure out whether there will be a quorum.
 - Northeast Watercross Special Event has been cleared by all applicable departments with conditions noted on the Special Event License. Ms. White asked the Board to take a vote to approve with conditions and designate an authorized signer.
 - Varney Trust's Cruise Night Special Event has been cleared by all applicable departments with conditions noted on the Special Event License. Ms. White asked the Board to take a vote to approve with conditions and designate an authorized signer.

After a brief discussion there was consensus that Ms. White could be the authorized signer.

Mr. Morin made a motion to make the Town Administrator Ellen White the authorized signer and to approve both requests (for Northeast Watercross and for Varney Trust's Cruise Night Special).

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

2. The aftercare agreement between the Town and Nottingham School District (attached) has been reviewed and recommended changes have been incorporated from the town and school's insurer Primex. The School Board is ready to proceed with execution as soon as it has been agreed upon by the town. Ms. White noted that during her review she discovered that she has more questions and asked the Board to table the discussion until May 1st meeting.

There was consensus to table the item until May 1st.

3. The can crusher has outlived its life expectancy and is in a current state of disrepair. A new can flattener is estimated at \$26,000 with 12 to 14 weeks lead time. Another option would be to install a vertical baler with an estimated cost of \$16,465. Bales produced would be between 250-460 lbs. and 24"x36"x36" in size. Baling would not only reduce the number of trips to Harding Metals but also minimize the impact of onsite storage. Ms. White asked whether this capital purchase would be considered by the Board to be made from remaining ARPA funds (\$115,951 est. balance). She added that the quote was attached on following page of her report.

Discussion ensued about the technical parameters of the new can flattener and the process as it exists today. Consensus was to table the issue until there is more information available to make a

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91 decision, in particular, how often (times per week) would they have to lug the trailer and what is
92 the cost; how many cans does the town generate in the course of a week, two weeks, or one month;
93 and what the overall financial benefits of crushing. It was also requested of Ms. White that she
94 checks with the neighboring towns on how they deal with that issue.

95 **For your information:**

96 **Highway:**

97 The new utility truck was picked up last week, registration has been completed and the truck is
98 currently being outfitted. Should be in service by the end of next week.

99 Road grading commenced last week.

100 Ms. White was asked to check whether the road grading was done by a contractor and if so, which
101 one. Mr. Morin explained that the Town has contracted the service to one contractor as it was
102 financially advantageous than doing it in house.

103 **Transfer Station:**

104 Gary Anderson completed the insulation and vapor barrier installation at the Transfer Station to
105 bring it up to code.

106 Recycling/Trash Disposal Policy attached for review. Will be scheduled as agenda topic at meeting
107 on 5/1/2023.

108 Discussion ensued about the need to meet with the Recycling Station staff to discuss the current
109 state of affairs and the Recycling/Trash Disposal Policy with them prior to reviewing it at the
110 Selectboard meeting. Consensus was to move the item discussion to the second meeting in May to
111 give time to the members to do so.

112 **Fire-Rescue:**

113 All equipment is up to date for maintenance and fully in service. The new ambulance is tentatively
114 scheduled for October, if not sooner.

115 **Town Buildings/General:**

116 There are some trees at the Town Square that should be removed as well as a few around the
117 Municipal Office. Quotes to be obtained.

118 Wastewater drain replacement in Police Department and Town Office scheduled to commence in
119 early May along with gym lighting upgrades and ceiling tile replacement.

120 **Trust Funds:**

121 Four funds to be moved into CD's for six months and one year with yield of 3.75% and 4.00%
122 respectively.

123
124 **Appointments.**

125 **7:00 PM Skip Seaverns**

126 Skip Seaverns, from 340 Stage Road, spoke about the Fire Chief Disciplinary Action
127 Procedure/Process that he thinks should be followed by the Board. He added that the Fire Chief is
128 not a town employee but an elected position, therefore, any disciplinary action should be handled
129 according to that process that is outlined in the Nottingham Fire and Rescue Department bylaws.
130 Mr. Seaverns noted that the only purpose of him addressing the Board was to bring up the existence
131 of these bylaws and the process outlined in those for disciplinary action. Beyond that, he would
132 not be able to answer any questions the members may have.

133 Ms. White was asked whether these bylaws were presented to the Town Attorney and she
134 confirmed that they have, but that there was no other information available from the Town
135 Attorney at the moment, apart from the fact that they were not aware of them before.

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Mr. Seaverns reiterated that he believes that the disciplinary action that took place was handled as if the Fire Chief was a town employee, which was wrong as he was an elected official. He added that he was hoping that the Town Attorney would also look for bylaws of those other elected positions in town to make sure that they are aware of their existence.

Ms. White said that she looked at the history of probably the past three or four years, and, based on the election from the association, an annual appointment has been made by the Board of Selectmen for the Fire Chief.

Mr. Seaverns asked a hypothetical question about him being appointed to the Marston Property Committee and whether that would automatically make him a Town employee. Ms. White said that there needs to be more clarity on this.

7:15 Robin Comeau

Robin and Anthony Comeau from 176 Stevens Hill Road. Ms. Comeau spoke about the road management easement deed that the Planning Board proposed for a subdivision of her lot when she did for her son to be able to build a house next to hers. She said that when her house was built in 2003 there already was an agreement with the Town that she had to give a 25 foot setback from the middle of the road, which is currently in place. Ms. Comeau said she does not understand why the deed is now required as she was very meticulous maintaining that setback for 30 years, and that the deed is a legal document that will take her right away. She added that there are no existing plans that the Town has to widen the road at this moment and if she gives away her rights that area in front of her property will look bad compared to the area that she owns and maintains.

Ms. Comeau noted that the Planning Board indicated that the subdivision requires the easement and that they are not able to waive this requirement and that only the Board of Selectmen can.

Ms. Comeau said that the other issue is that there is a historic Cemetery, Dalton Cemetery, that would be affected, if the road were to be widened.

Ms. Comeau said that she is just requesting that the Board deny that request from the Planning Board and allow her to keep the 25 foot setback, especially where there is no imminent plans or existing plans to widen the road anyway. The building permit is being held up by this issue for her son, even though the driveway permit has been approved.

Mr. Comeau noted that he now owns the lot that was subdivided off his mother's property and the current setback and the future easement will also apply to his property. He said that the first thing the Road Agent said when he came up to look at the property that there are large trees within that setback that will have to come down, which will leave the front of his lot barren and open.

Mr. Comeau and Ms. Comeau said that they both would agree to maintain that setback so that the road remains easily passable.

There was a brief back and forth on what the easement means in terms of maintenance versus the setback. Consensus was to consult with Town Counsel prior to proceeding. Members agreed that if they hear back from legal before their next meeting, they will schedule another one earlier so that they could review this issue without delay.

Ms. Comeau also brought up the conditions that the Planning Board put on the approval of her subdivision, of which there were a lot, and that maybe the building inspector is confused on whether these have to be fulfilled before he can issue a building permit.

Mr. Morin said that the access to their property was put in through the wetlands which triggered NH Department of Environmental Services review and that made the delays even worse. NHDES

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required that they bring the impacted wetland back to their natural state before getting any approvals.

Ms. Comeau said that NHDES noted that restoration and the subdivision were two unrelated things.

After an extensive back and forth the members decided to hold off deciding until obtaining legal guidance. They will set up another meeting as soon as the legal opinion has been provided to them. It was also requested that Ms. White check with the Building Inspector whether a building permit can be issued without the Selectboard decision.

Ms. Comeau also expressed her concerns that if the road were to be widened people would go much faster, and they already go fast.

Assessing

Mr. Welch motioned to approve the Veterans Credits for Map 6, Lot 2-2; Map 7, Lot 12-3; Map 10, Lot 9; Map 31, Lot 12; and Lot 71, Lot 76. Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Mr. Morin motioned to approve the Solar Exemption for Map 19, Lot 14. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Mr. Dabrieo motioned to approve the Intent to Cut for Map 2, Lot 1 and Map 46, Lot 4-8. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Mr. Dabrieo motioned to approve the Elderly Exemption Map 18, Lot 16 and Map 58, Lot 2. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Mr. Welch motioned to approve the Excavation Intent for Map 10, Lot 12. Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Action items for next meeting:

1. Review bylaws for the Recycling Center.
2. Review the baler purchase and other existing equipment status at the Recycling Center.
2. Lamprey Drive

Public Comment

Bob Desrosiers from 75 Stage Road, spoke about being disappointed to see how the Board was handling the suspension of the Fire Chief and the Fire Lieutenant. He emphasized that everyone seems to be dismissing the suspension of the latter. He spoke about both individuals and that everyone knows what they have brought to this community and for them to be treated the way they are treated now is quite disheartening. He added that the Chief has been a member of the department for 30 years been Chief of 17 years and that she has been a member of the department

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for 17 years and that she is an advanced EMT, of which there are only three in the department. The Chief is also an EMT and now two EMT's have been removed from the Department.

Mr. Desrosiers said that to him it is wrong that they still do not know what the accusations against them are after 25 days. He continued to say that on the contrary, there is the Public Works Director who has been accused of assaulting an employee and it does not seem like anything has happened to him. He said he was disgusted by how this process with the Fire Chief and the Lieutenant has been handled, and that they should at least know what they are accused of. He also said that should those accusations prove to be false; it will be very hard to ask these individuals to serve this community again.

Mr. Bartlett stated for the record that the two employees that Mr. Desrosiers was referring to are the Fire Chief and the Lieutenant, and they are put on administrative leave, and are not suspended. He also added that this is a personnel issue that cannot be discussed in a public setting.

Non-Public Session

Mr. Morin moved to enter a non-public session per 91-A:3 ii (a) at 7:45 PM, which was seconded by Mr. Dabrieo. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Non-public session was entered at 7:45 PM

Resumption of Public Session

The public session was entered at 9:02 PM.

Mr. Dabrieo moved to exit the public session at 9:02 PM and to seal the non-public minutes indefinitely, Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch - aye.

Adjournment:

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

The meeting adjourned at 9:02 PM.

Submitted by Alvina Snegach