

Nottingham Select Board Meeting

06/05/2023

APPROVED Minutes

Approved as amended on June 19, 2023.

Call to Order

Members present: Ben Bartlett, John Morin, and Matthew Shirland. Tim Dabrieo joined at 8:09 PM. Others: Town Administrator Ellen White.

Members of the public: please refer to the sign up sheet attached to these minutes.

Members Excused: Tim Dabrieo and Steve Welch.

Mr. Morin opened the meeting at 7:30 PM with the Pledge of Allegiance.

Approve Manifests: A/P 5/30/2023 Payroll 5/30/2023

Mr. Morin made a motion to approve the accounts payable manifest of 05-30-2023. Mr. Shirland duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Shirland - aye.

Mr. Morin made a motion to approve the payroll manifest of 05-30-23. Mr. Shirland duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Shirland - aye.

Approve public minutes 5/15/2023 and non-public minutes 5/15/2023

Mr. Shirland made a motion to approve the public minutes for 5/15/2023 and non-public minutes of 5/15/2023 as presented in the packet. Mr. Morin duly seconded. Motion carried by a 2:0:1 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – abstained.

BOS Reports from Assigned Boards/Committees

Budget, Planning Board, CIP, Marston

Mr. Morin said that he was not able to attend the last Planning Board meeting and that the subdivision of Smoke Street was discussed there. He said that this project still has ways to go in terms of review and that the next Planning Board meeting is taking place this week. He added that there will also be a discussion about a possible storefront coming on Route 4 at the end of Route 152.

General Business

Town Administrator Report

Ms. White spoke about the following:

Action Item 1. Invoice received from PLIA requesting support for the Lake Host Program in the amount of \$5,000.

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Ms. White noted that the past practice has been to split the payment up into installments, and she was not sure of the reasoning behind this. She asked whether the Board would approve paying the invoice in full.

Members discussed the Program and what it entails and by consensus decided to give Ms. White the approval to pay the invoice in full.

Action Item 2. The Conservation Commission has recommended the reappointment of Debra Kimball.

Ms. White requested a motion to appoint Debra Kimball to the Conservation Commission. She also noted that the Oath of Office form included in meeting packet and needs to be signed.

Mr. Shirland made a motion to approve the reappointment of Debra Kimball to the Conservation Commission. Mr. Morin duly seconded. Motion carried by a 3:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Shirland - aye.

Action Item 3. The State Primary Election for the vacant State Representative seat will be on Tuesday, August 1. On that same day, the Rec has a summer concert planned at the bandstand and the Police Department is hosting its National Night Out all over the property, these events cannot be postponed or rescheduled.

Ms. White asked the Board if they would want to proceed with holding the State Primary Election at the Town Hall or at the Nottingham School?

Dee Anne Decker and Lori Anderson addressed the Board with the specifics of the process for holding the primary and the special election and the numbers from similar occasions that took place in the past. They advised the Board that holding the election (in case there is a primary) is better at the Town Hall. They did note that, if there is no primary, and only general election, that this would change things, and asked the Board to hold the decision until it is known which elections are to take place in the upcoming future. Then Ms. Decker and Ms. Anderson answered questions about the dates of the elections and what determines whether there is a primary or not. They also asked Ms. White to contact Chris Souza to let him know that they are working on figuring out the election location.

Action Item 4. Discussion about setting up a work session to review the recycling center policy, the can baler or hauling options, and other related items.

Ms. White asked when the Board would like to schedule this work session. Members decided to wait until Mr. Dabrieo comes in later this evening to discuss setting the date.

Appointments - times tentative and subject to change

7:45 Frank Gonsalves, 113 Kelsey Road

Mr. Gonsalves introduced himself and distributed some paperwork to the members. He said that he has been doing research and there are eight new houses on Kelsey Road around Kelsey Pond and the salt application has been pretty strong. Mr. Gonsalves said that after talking with UNH,

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NHDES, the EPA and so forth, nobody was able to provide him with information on what level of salt is toxic to plants. One of the greenhouses told him that it was 70 milligrams per liter. When he was at 200 milliliters per liter of chloride, he killed his vegetables and his garden is a disaster. He is now at 370 on chloride and 246 on sodium. He is waiting for some more tests to be able to develop a plan. Mr. Gonsalves said that he would like to initially present some good information to the Board and be brief. He added that one of the wells in the neighborhood is 200 feet deep and is coming up at 200 milligrams per liter on the chloride. Mr. Gonsalves said that he appreciated Ms. White's work and her quick response.

Mr. Gonsalves continued to say that he is looking for two things, which are a potential well replacement, as his numbers are getting too high; and a tax credit to recover all the costs associated with buying water and water testing which could be as high at \$1,000 to \$1,500. He said that he can provide the Board with all the invoices for the expenses he incurred.

Mr. Gonsalves also said that he will provide the Board with all the water testing results which were done by an accredited lab. He also said that he had the brook tested down at the lane bridges as he was curious as to what the baseline is going to be because he is drawing water from it for his garden.

Mr. Gonsalves also noted that he was looking at the ways to avoid the four percent tax cap and that just one of the documents in here that pertains to the Snow Pro program, and because Janelle, who was the perpetrator of the distribution itself, he did not go into the program, Steve Landry from the NHDES indicated that they did not participate and that does not give him protection from the state, so he is liable for possible insurance going forward or litigation, to pay for this project instead of the town.

Mr. Gonsalves also said that he is trying to obtain more information on similar well replacements in other towns. He answered Mr. Bartlett's question about his well, that his was a surface well, and added that during the previous Road Agent's tenure, the road was not salted and it was fine. He added that beginning in 2022 the road gets salted very frequently despite his objections.

Mr. Gonsalves said that he was hoping the Town will work with him while he is preparing his case and go after the real perpetrators, who he thought was Janelle, who is from Lee and who failed to follow the state recommendations and the Sno Pro program. After Mr. Bartlett asked a clarifying question about Janelle and their relevance to this, Ms. White clarified that the Highway Department had subcontracted the work on Kelsey Road.

Mr. Bartlett noted that this is a lot of information for the Board to digest and asked Mr. Gonsalves to provide all the relevant information pertaining to this issue, like water test results and such. He also said that Mr. Gonsalves should forward all the correspondence to Ms. White and she will make sure the Board has it.

8:00 PM Kevin Bassett

Kevin Bassett from 101 Shore Road introduced himself and Jim Bassett and said that they were there to present some partial road plans including for Lamprey Drive.

Mr. Bassett distributed the plans and spoke about them surveying these roads, among which was Lamprey Drive. He referred to his memo to Kevin Bassett that was in the handout where he

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provided comments on those roads being transferred to the Town as Class V roads as stated in the Warrant Article that was voted for by the Town and asked the Board what it meant for his client, whether it was just maintenance or the ownership of these roads. Mr. Bassett said that he was hoping it was the former, as he did not believe that the townspeople could vote to give his client's land away to the Town. He also asked whether there was a need for an easement for additional width over this roads for the Town to be able to maintain them as they are 12 to 15 feet wide, and the Warrant Article language was transferring the roads as is. Mr. Bassett said that if the easement were to be drawn up, that would clarify the limits of the Town's responsibility, what would the Selectboard suggest for the width of that easement.

There was back and forth between Mr. Morin and Mr. Bassett on whether the Town could give Mr. Bassett an exact answer to his hypothetical questions as to which liability the Town or the property owner would have should something happen on this road, and Mr. Bassett said that he is not expecting an answer right now and understands that the Town may need to consult its legal counsel. He also said that the Town road standards have been overturned by another Warrant Article as well. Mr. Bassett also said that the subdivision plan from the sixties that originally created Lamprey Drive is only signed by the Zoning Board of Adjustment and not the Planning Board. He asked if there is a possibility of someone being aware of why this happened and what that action was that the Zoning Board has approved. Mr. Bassett said that usually when a road is shown on a subdivision map, it should be conveyed to the Town by the property owner. If that does not happen, conventionally the lot owners who abut that strip of land take title to the center line strip. He said that Lamprey Drive is shown to be 33 feet wide on the plan; however, it has been constructed to a different type of standards and not quite where it was intended to be built. Mr. Bassett said that what is in play now is called prescriptive easement and all these people abutting the road have the right to use some portion of what is now classified roads; therefore, he is looking for some guidance from the Town Counsel as to what the Board would like to see and what the answers to the legal questions are.

Mr. Dabrieo joined the meeting at 8:09 PM.

There was discussion on whether a subdivision created on this road will require its upgrade to the required standards in the Subdivision Regulations or not. Mr. Bassett also spoke about the statutory requirement of the Select Board to review and respond to a petition by five or more citizens who request a new road to be put from point A to point B. There was a short discussion about this requirement and whether it applies to this situation or not and also the fact that the language of the Warrant Article was not clear on what transfer means.

Mr. Bassett said that they could also have their attorney prepare a legal opinion and present it to the Board but they first wanted the Town Counsel to work with their attorney to come up with the answers.

After a lengthy discussion of what it means for lot owners on these roads that were classified as Class V by the Warrant Article, Mr. Morin said that he cannot see himself voting on the Town spending money for the Town Attorney to investigate this matter as it relates to these roads and Mr. Bassett's intent to subdivide there. He added that if Mr. Bassett has a couple of particular questions, he would like the Town Attorney to answer, it is a different matter and he may be ok

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with that. Mr. Kevin Bassett said that they could work something out in writing based on the memo from Mr. Bassett to him.

Action Items Review from Last Meeting

Parking signs on one side of Deerfield Road.

Ms. White said that those have been placed.

Reaching out to the State to address the condition of the parking area and the access road to the town beach area and to have access limited to residents only.

Ms. White said that this was addressed at the previous meeting and that the beach is open from 9 AM to 8 PM.

Discuss later closing hours for the town beach for the summer as well as longer hours for the lifeguards at the beach.

Ms. White said that the younger lifeguards are subject to work restrictions and could not work longer hours. She said that Town is hoping to also get someone else in the future who will be able to work extended hours.

Members discussed who owns the land that leads to the Town beach and to the access road to the boat ramp.

Assessing

Mr. Shirland motioned to approve the Intent to Cut for Map 29 Lots 8. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Shirland – aye, Mr. Bartlett – aye.

General Business

Town Administrator's Report (finish up)

FYI. At a meeting held this past Saturday regarding the Pawtuckaway State Park expansion, documentation was provided to answer several questions that have been brought up in the informational meetings held and bullet item no. 2. noted the Town of Nottingham is eligible to receive approximately \$200,000/year for a Payment In Lieu of Taxes (PILOT) since it does not receive property tax revenue. This sparked quite a few curious emails, phone calls and visits to Ms. White today inquiring why the town is not taking advantage of this. She did some research this afternoon and followed up with the Supervisor at the Department of Revenue to confirm that the Town does in fact receive an annual PILOT but it is in the amount of \$4,500/annually as it is based on a reduced current use assessment per acre rather than the actual market value of the property which is over \$100 million. In the Town's Assessor files a form PA-16 each year which provides the current year value for the 4,721.9 acres which is then assessed as a current use which is why the PILOT amount received by the Town is only about \$4,500 annually. Ms. White said that unfortunately the misinformation spreads quickly and the state is now trying to make sure that clarifying information is put out for the public.

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Fire/Rescue - New Ambulance has been moved up in the queue and is the next unit on schedule to be built. There was a reported accident with Engine 2 that happened at the Fire Station when the driver navigated too closely to the building on return from two calls and hit the bollard, which protected the building, but there was some cosmetic damage. A claim has been submitted to the insurance company and the management is just awaiting the estimate of repair. While Engine 2 was at Lakes Region Fire Apparatus for estimate, a quote was obtained for a separate damage to the front bumper that occurred earlier in the year and that repair estimate is approximately \$8,800. Ms. White is waiting to hear back from Primex as to whether they will accept a claim regarding this since damage was never reported.

Police Department – A potential candidate has been offered a conditional offer of employment for a part-time position which will help with shift coverage. There is hope for a part-time police academy in July, however there is a minimum of 10 required. Should the part-time academy not be offered, Chief Woodman is looking to send the candidate to the 16-week full-time academy while the candidate would only work part-time until a full-time position becomes available.

Town Office/General – The gym lighting retrofit, and ceiling tile replacement was wrapped up on Friday. Awaiting quote for gym tile replacement for area disturbed during waste underdrain repair.

Recreation – Summer camp schedules have been distributed, and the town beach opened over the holiday weekend. Ms. White received confirmation that there are two lifeguards on staff but they will only be on duty at the town beach when summer camp is there.

Highway – The Public Works Director has resigned and his last day was Friday, June 2. This position has been advertised on the website, indeed.com, NH Municipal Association and UNH T2 Program. Still multiple vacancies for Heavy Equipment Operator/Truck Drivers – currently advertised and actively interviewing potential candidates.

Recycling Center – Wayne has disassembled the old can crusher and disposed of it to make additional room for whatever you choose for its replacement. The tire storage container was set up a week ago Friday, and the tires on site are covered and ready for pickup.

There was discussion of needing to stay on top of the space for the Recreation Department, which Ms. White said is in the works.

Another discussion was about the dedication for the chair donated by Rolling Thunder and where it would be best to locate it so that it is also a learning experience. Suggestion was made to do it at the library, and Ms. White said she could reach out to the Library Trustees.

Then members discussed the dates for the Recycling Policy discussion work session. Tentatively June 26, 2023 at 6:30 PM was chosen.

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Steve Soroff said that Celebrating Nottingham Committee will be reading the Declaration of Independence on July 4th from 8 to 10 AM at the Town Square and that there will be music and food. Mr. Soroff said that the committee is hoping to continue the work of the 300th Committee and discussion ensued about whether the remaining funds for the 300th committee could be allocated to the new one.

Review Items for Next Meeting

1. Bid opening for the 10 wheeler.

Public Comment

- Doug Cummings, 348 Stage Road, addressed the Board with a comment about the fact that the reading of the Declaration of Independence has been going on for decades and is a legacy event. He also asked the Board where they are on the Fire Chief and Lieutenant.

Ms. White said that she will be reporting on the issue to the Board during the non-public session and that all the interviews have been completed and the Board is awaiting the issuance of the report, which will be private. Mr. Cummings asked if the report would even be made public and she responded that she did not know that yet as it needs to be reviewed by the Town Counsel. Mr. Cummings added that he is not represented any groups and that this whole thing has been an embarrassment for the Town, and that the town elected the Board to represent their morals and values, and that he believed that this was not represented in this case. He also said that the Board told him that more information would be available in a couple weeks and that was 60 days ago.

Non-Public Session

Mr. Dabrieo moved to enter non-public session at 8:56 PM pursuant to RSA 91-A:3, II (e) and RSA 91-A:3, II (a). Seconded by Matt Shirland. Motion carried by a 4:0 roll call vote: Mr. Shirland – aye, Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo - aye.

Non-public session was entered at 8:56 PM

Resumption of Public Session

The public session was entered at 9:21 PM.

Mr. Dabrieo moved to exit the public session and seal the non-public minutes at 9:21 PM, Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote: Mr. Shirland – aye, Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo - aye.

Adjournment:

Motion made by Mr. Dabrieo to adjourn the meeting, which was seconded by Mr. Shirland and approved by a 4:0 roll call vote. Mr. Shirland – aye, Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo - aye.

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The meeting adjourned at 9:21 PM.

Submitted by Alvina Snegach

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DATE: 6/5/23

BOARD OF SELECTMEN MEETING

NAME

ADDRESS

PLEASE PRINT CLEARLY!!!

- | | | |
|-----|----------------------------|-------------------|
| 1. | DeeAnn Decker | 11 Lakewood Dr |
| 2. | Francine & Maria Goncalves | |
| 3. | Dorey Bates | 30 Langley Dr |
| 4. | Doug Cummings | 348 Stage |
| 5. | Judith Cummings | 348 Stage |
| 6. | Jim Franklin | Candia |
| 7. | Kevin Bassett | 101 Shore |
| 8. | Robin Marshall | 189 Old Tnpk. Rd. |
| 9. | Cindy Bloom | 7 Dwight Rd. |
| 10. | Lori Anderson | 50 Gilead |
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