

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

The meeting was called to order at 9:11 am by Moderator Bonnie Winona MacKinnon. There were several Audio-Visual issues upon opening and were soon corrected.

Moderator MacKinnon stated the basic rules of the meeting and noted that there were two rooms being used for this meeting. The school gymnasium had been set up for the presenters, Boards, and those residents wear wearing masks for Covid reasons. The cafeteria had been set up with Audio Visual equipment and those residents that preferred not to wear a mask.

She then read a brief history of Nottingham stating that it had been formed in 1722, and the current year, 2022, would be its 300th anniversary. She then went on the state that this was the first part of the Annual Meeting, the second session would be held on March 8, 2022, when registered voters would cast ballots for offices and warrants.

The meeting was paused for A/V issues and resumed at 9:23 am.

Moderator MacKinnon asked all to rise and recite the Pledge of Allegiance. She then asked all to pause for a moment of silence for our service members and those that have passed.

The Moderator explained rules and protocol and introduced the Town Officials present. They were Lori Anderson, Town Clerk, Alana Kenney, Deputy Town Clerk; Susan Lowry, the town attorney; Chris Sterndale, Town Administrator; Donna Danis, Tony Dumas, John Morin, Tiler Eaton, and Ben Bartlett, Board of Selectmen; Michelle King and Michael Kelly of the Budget Committee; Ruth Ann Fuller and Sandy Dow, Supervisors of the Checklist; Ballot Clerks, and Members of the Police Department, including Chief Woodman.

The Moderator then noted that only registered voters of Nottingham may speak and that non-residents may speak if they receive permission from the Moderator.

The Moderator then read Warrant Articles 1, 2 and 3, stating that they would be on the ballot on March 8th.

Article #01: To choose by ballot all necessary Town Officers for the ensuing year.

Article #02: Are you in favor of the adoption of Amendment No. 01 as proposed by the Planning Board for the Town of Nottingham Zoning Ordinance as follows:

Adopt a new definition and methodology for measuring building height. This zoning amendment includes two additional related definitions.

Recommended by the Nottingham Planning Board (7-0)

Article #03: Are you in favor of the adoption of Amendment No. 03 as proposed by the Planning Board for the Town of Nottingham Zoning Ordinance as follows:

Adopt new setbacks for driveway and a new definition for driveway and common driveway. A driveway to a single lot shall be setback 10' from any property line.

Recommended by the Nottingham Planning Board (7-0)

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

The Moderator then read Article #04.

Article #04: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$4,414,877 (Four Million, Four Hundred Fourteen Thousand Eight Hundred and Seventy-Seven Dollars). Should this article be defeated, the default budget shall be \$4,214,137 (Four Million Two Hundred Fourteen Thousand, One Hundred and Thirty-Seven Dollars) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. The estimated tax impact is \$2.902 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (8-3).

Tony Dumas motioned that it should be accepted, and John Morin seconded the motion.

Michelle King, Budget Committee Member, highlighted the items of the budget that have increased, noting the Fire Department's budget was due to updating equipment, the Highway Department due to the price of salt for the roads in winter and the sand and gravel used to main the lake roads, Recreation staffing additions, and Marston costs. She noted that they tried to keep the increases to 4.9% while the rate of inflation currently in the US was 7%. She stated that the Board of Selectman and the Budget Committee had done a good job at keeping increases low.

Tom Butkiewicz spoke stating the original budget had a 10% increase and thanked the Boards for reducing it to 4.9%.

Donna Danis then motioned to amend Article 04, line 21, to add \$5,000 to the operating budget to support the Lake Host Program. Peggy Tucker seconded the motion. Tom Butkiewicz stated that there was already a warrant for it. Tom Duffy spoke of how important the Lake Host Program is to prevent milfoil, and that it does not include private ramps or the State Park. He stated that in 2015, 15 gallons of milfoil had been removed, and that increased to 314 gallons in 2021. There are 75 volunteers in PLIA, and they included scuba divers. It was time consuming and in all coves. Donna Danis that the town has a responsibility to keep it in the budget. Tom Butkiewicz noted that the town does not own the lake, the State of New Hampshire owns it, and it should be their responsibility. Fran Burke noted that if this amount was added to the budget, it would never go away. Maureen Campiola wanted to know where the state's responsibility is. Tom Duffy stated that NH Lakes contribute \$4,300 in grants. Romeo Danaïs stated that the line item is the issue, not milfoil.

Gene Reed stated that the PLIA is valuable and motioned to move to amend the line item as stated by Donna Danis. Sandy Weston seconded the motion. The vote was 65 Yes, 3 No. The motion was read as follows: to amend Article #04, to add \$5,000 to the Operating Budget to support the Lake Host Program. The Moderator read the motion and a hand card vote was taken. The amendment passed 40 Yes, 32 No.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

The Moderator then motioned to move Article #04 to the ballot.

The Moderator read Article #05 aloud as follows.

Article #05: Shall the Town vote to add (full-time personnel) to the fire department, which calls for salary and benefits for the fiscal year 2023 of \$302,544, and further to raise and appropriate \$100,848 (One Hundred Thousand Eight Hundred and Forty-Eight Dollars) for the current fiscal year, such sum representing the additional costs attributable to the increase in salary and benefits. The estimated tax impact is \$0.124 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (8-3).

Tony Dumas motioned, and Donna Danis seconded the motion to invoke RSA 40:10 on Article #04. The vote by hand card was 40 Yes, and 8 No, and the motion carried.

Chelli Tennis then asked if she should speak on Article #04 and the Recreation Department Budget. She stated that she had been waiting in line to speak but was not given the opportunity. The Moderator then spoke with the attorney and the Board of Selectman about the situation. It was determined that since RSA 40:10 had been invoked, the article could not be re-visited.

Tom Butkiewicz motioned to end the segregated arrangement of masked vs. unmasked to avoid people not being seen and heard. Romeo seconded the motion. Tony Dumas explained that the Moderator has the discretion on how the meeting is to be run. The Moderator considered the motion on joining the two groups. Pam Kelly stated that the Moderators original decision was correct on the meeting set up and confusion on one line item. Chelli Tennis asked if we could go back to Article #04, and the Moderator stated no. A vote was then taken by hand count on combining the two groups. The vote was 59 Yes, 16 No. The motion carried.

The Moderator announced to people in the cafeteria their votes would not be counted if they stayed in the café. They must now move to the gym to vote.

The moderator then read Article #05 again.

Donna Danis proposed to amend the article dollar values to \$225,000 and \$75,000 respectively and allow Chief Vilchok to discuss the changes. The additional cost is estimated to be \$0.002 per \$1,000 in evaluation. Romeo Danais seconded the motion.

Mike Kelly spoke asking to add the cost impact in future years. Donna Danis stated that we cannot predict what the costs will be in future years. Maureen Campiola asked why warrant are not in the budget, Donna Danis stated they are new requested, and big changes. Michelle King said that the Budget Committee agreed that these items should be voted on town wide.

The Moderator asked if any further discussion. Donna Danis motioned to lower the dollar values in the article. Gene Reed then asked when we would be taxed. Was it current year or which years? Donna stated that \$75,000 would be for this year, and \$225,000 for next year. Kathy Mayo asked why it dropped, and Donna requested clarification by Chief Vilchok.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Article #05 was then voted on as amended stating there was a \$0.092 tax impact. The hand card vote was 73 Yes, 0 No.

Chief Vilchok then motioned to amend Article #05 to include the words “Majority Vote required”/ for consistency. Tony Dumas seconded the motion. No further discussion and a hand card vote were taken. The result was 76 Yes, 1 No. The motion carried.

Chief Vilchok spoke to discuss Article #05 as amended. He stated that it was a continue of life safety and property preservation, and to expand staffing to 24 hours per day, 7 days per week. He stated there would be 3 full time staff added. The standard response time would be reduced to approximately 8 minutes from the current 20 minutes. Due to State mandates, there should be 2 licensed personnel available, and a 3-hour turnaround time for calls which include transport and stocking of vehicles. He then gave a brief history of the Department and noted that in 2021 a bunk room had been approved. He stated that between 2003 and 2021, the call volume went from 480 calls up to 672 calls. The demographics of the town is changing, and the demographics of the department has changed. Retention is an issue.

Gary Anderson then spoke in favor, as chaplain to the department for 8 years, he has noted that full time membership has a retention issued due to scheduling and that an updated 24/7 schedule would correct the issue.

Michael Kelly motioned to amend the Article to add that for 2023, the cost impact be noted. The Moderator asked for it in writing. Fran Burke seconded the motion. Michael Kelly withdrew his amendment as town counsel suggested.

Michelle King spoke in favor of Article #05 as amended for consistency of Town employees. Ben Bartlett spoke as a resident that the Chief put an important article out and asked if not now, when.

Fran Burke proposed an amendment that in 2023 the percentage be written in the Article as follows: In 2023 at current tax assessment rate the estimated tax impact is \$0.27 per \$1,000 of property valuation. The Moderator explained that this is the same situation as only the Board of Selectman can allow an amendment regarding dollar value of the tax impact, only the Board of Selectman has that authority. Fran then asked if we could direct the Board to do so. The Moderator asked for advice by the Attorney. The Town Attorney stated that we cannot direct the Board and that the DRA (Department of Revenue Administration) may invalidate all votes on the Article. Fran then suggested all future articles express the real tax impact.

Donna Danis then proposed a small wording change that the estimated tax impact for Fiscal Year 2022 added is \$0.92 per \$1,000 in valuation. Fran Burke suggested a change in wording to the motion. Donna stated no. Romeo Danais suggested to add the words “remainder of 2022”.

The Moderator motioned to vote per Donna Danis’ changes. The hand card vote was 67 Yes, 0 No.

Fran Burke motioned to add the remaining 4 months to the Article. Vicky Greene seconded the motion. Tony Dumas explained that it may confuse voters that they are taxed differently in the

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

last 4 months of the year. Donna suggested wording necessary for DRA and to prevent it getting kicked back. Fran Burke withdrew his motion.

Donna Danis motioned to add her suggested wording. Pam Kelly seconded the motion.

The Moderator then read the amended Article as presented by Donna Danis.

Article #05: Shall the Town vote to add three full-time personnel to the fire department, which calls for salary and benefits for the fiscal year 2023 of \$225,000 (Two Hundred Twenty-Five Thousand Dollars), and further to raise and appropriate \$75,000 (Seventy-Five Thousand Dollars) for the current fiscal year, such sum representing four months of additional costs attributable to the increase in salary and benefits. The estimated tax impact for FY 2022 is \$0.092 per \$1,000 of property valuation. Majority Vote Required.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (8-3).

A hand card vote was taken with 73 Yes, and 1 No. The motion passed. The Moderator moved Article #05 to the ballot.

Tony Dumas motioned to invoke RSA 40:10, Donna Danis seconded the motion. A hand card vote was taken, 63 Yes, 1 No. The motion carried.

The Moderator then read Article #06 as follows:

Article #06: To see if the Town will vote to raise and appropriate the sum of \$300,000.00 (Three Hundred Thousand Dollars) for highway reconstruction and maintenance work on Case Road, Oak Ridge and Flutter Street, or other roads in Nottingham if a priority arises. This is a non-lapsing appropriation per RSA 32:7 VI and will not lapse until the work is complete or not later than one year after the end of fiscal year 2022, whichever occurs earlier. Majority Vote Required. The estimated tax impact is \$0.370 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (7-4).

Tony Dumas motioned to accept the Article, stating it was a standard amount to maintain roads as needed as identified by the Public Works Director. Tiler Eaton seconded the motion.

Celia Abrams asked if this would allow for pavement to be placed on the dirt portions of Case Road. It was noted that this was a maintenance overlay in the paved portion only.

Susan Mooney asked how Flutter Street would be affected. It was stated that there would be pavement overlays and culvert repairs, as necessary.

The Moderator moved Article #06 to the ballot. Tony Dumas invoked RSA 40:10, and Pam Kelly seconded the motion.

A hand card vote was taken, 58 Yes, 1 No.

Steve Soreff asked if only the negative votes for 40:10 be counted to speed up the meeting. The Moderator stated that best practice is the count both Yes and No.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

The Moderator then read Article #07 as follows:

Article #07: To see if the town will vote to raise and appropriate the sum of \$100,000.00 (One Hundred Thousand Dollars) to be added to the Highway Truck Capital Reserve Fund previously established. Majority vote required. The estimated tax impact is \$0.123 per \$1,000 of property valuation.

The Select Board recommends this appropriation (3-2).

The Budget Committee does not recommend this appropriation (4-7).

John Morin presented the Article stating that this money funds the purchase of vehicles and that no loans are needed.

Maureen Campiola asked for the amount in the fund presently. She was told \$69,000.

Gene Reed asked for an update when CIP requests for the next vehicle purchase is needed.

Tony Dumas stated when this amount is stated within a warrant, only the amount proposed for this year is stated.

Ben Bartlett stated that this Article should be tabled.

Donna Danis said that the Public Works Director does a great job. Bob Desrosiers asked where he was. Vicky Greene asked to change the sum to \$0 or table whichever is required.

Tony Dumas explained that this Article is only about appropriated funds for the future and not purchasing any vehicles.

Doug Smith asked if the CIP could make a list for future purchases including the number of years vehicles need replacement. Tony explained it will be in the Town Report.

Ms. Cahill asked what money has been spent and where spent. John Morin explained that it will be in the Town Report and that the voters need to do research before they vote.

Ben Bartlett motioned to reduce the amount to \$0. Vicky Greene seconded the motion.

Moderator MacKinnon then read the proposed amended Article.

Megan Sebasco asked if we could have \$0 on warrant articles. The Moderator stated Yes. Megan stated that she is on CIP, and they do discuss future planning and discuss the money and then go to the Board of Selectman to determine the money to be noted with warrants. Donna Danis stated that the money is always saved in advance. Michelle King noted that future purchases are left up to the townspeople and there is no need to reduce the figure to \$0.

Tom Butkiewicz asked if there was any interest accrued when the money has been put in these funds. Tony explained that the Trustees of the Trust Funds are responsible for managing the funds and that due to inflation there is a low interest rate. He also said that it is best to save and not have a surprise amount added to the budget when something is needed.

Vicky Greene asked what type of vehicles will be purchased and stated there is not enough information or specifics given.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Ben Bartlett stated we should come back next year for the money.

Tracy Black stated that when we voted to become an SB2 town, we did that so that the entire town votes on these items.

John Fernald stated that he worked for the Road Department for over 35 years. He stated that a Capital Reserve Fund is important, and they always had a 5-year plan on vehicles.

Tom Butkiewicz said that this was not taking away from voters.

Gene Reed motion to move the question as amended.

Pam Kelly stated that \$0 will be what the voters will then be voting on. There will be no dollar value.

The Moderator called to vote on Article #07 as amended to \$0 by hand card. The vote was 14 Yes, 50 No. The amendment failed.

Tony Dumas invoked RSA 40:10. Pam Kelly seconded the motion. A hand card vote was taken, 51 Yes, 4 No.

The Moderator then read Article #08 as follows:

Article #08: To see if the Town will vote to raise and appropriate the sum of \$100,000.00 (One Hundred Thousand Dollars) to be added to the Fire Vehicle / SCBA Capital Reserve Fund previously established. Majority vote required. The estimated tax impact is \$0.123 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Tiler Eaton asked Chief Vilchok to come forward and speak about the Article. Chief said that \$750,000 is the replacement cost of a fire vehicle and that the Town should expect to need one in 2034. No further discussion was held.

The Moderator move Article #08 to the ballot as written.

The Moderator then read Article #09 as follows:

Article #09: To see if the Town will vote to raise and appropriate the sum of \$37,000.00 (Thirty-Seven Thousand Dollars) for the purchase of dashboard cameras for the Nottingham Police Department cruisers. Majority Vote Required. The estimated tax impact is \$0.046 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Donna Danis then asked Chief Woodman to speak about the Article regarding dashboard cameras. Chief Woodman spoke that this is modern equipment and that her research showed that they are preferred over body cameras. The dashboard cameras are 2 forward facing, with 1 rear

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

camera. They capture far more than body cams and have audio. The video recording is on a loop so that it can be used for transparency of policing as well as prosecuting crimes.

The Moderator asked for discussion.

Tom Butkiewicz noted that the money includes data services and that the Police Department budget went down.

Moderator MacKinnon moved Article #09 to the ballot.

Tony Dumas invoked RSA 40:10 on Articles #08 and #09. Pam Kelly seconded the motion. The hand card vote totals were 55 Yes, 1 No.

The Moderator then read Article #10 for a replacement lift for the library.

Article #10: To see if the Town will vote to raise and appropriate the sum of \$37,000.00 (Thirty-Seven Thousand Dollars) for the purchase of a replacement Handicapped Lift for the Nottingham Public Library. Majority Vote Required. The estimated tax impact is \$0.046 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (9-2).

Donna Danis presented the Article stating that the current lift was purchased in 2000 and it had a lifespan of 10-15 years.

Jennifer Phillips, Chair of the Library Trustees reiterated that the lift was being used beyond its lifespan. Michelle King stated it was needed and not abused.

Tom Butkiewicz said that it seems it can wait and asked if it was discussed in CIP meetings.

Jen Philipps said that we can no longer get the parts or maintain the unit. Sandra Jones stated that it was over 20 years old. Tile Eaton highly discourages repair or maintenance unless one is properly licensed to do so.

The Moderator moved the Article to the ballot.

Tony Dumas invoked RSA 40:10, Pam Kelly seconded the motion. The hand card vote was 51 Yes, 1 No.

Article #11 was then read by the Moderator as follows:

Article #11: To see if the Town will vote to raise and appropriate the sum of \$20,000.00 (Twenty Thousand Dollars) to be added to the previously established Revaluation Capital Reserve Fund for the purpose of performing a statutory revaluation of property every five years. Majority Vote Required. The estimated tax impact is \$0.025 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (9-2).

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

John Morin then presented the Article. He noted that \$100,000 is raised at \$20,000 per year over a 5-year period and we have a legal requirement to assess the Town every 5 years.

Tom Butkiewicz said that we don't need to spread the cost over 5 years. Let the people keep the money as it will cost the same in the long run.

The Moderator moved Article #11 to the ballot.

Tony Dumas invoked RSA 40:10, Pam Kelley seconded the motion. The vote by hand card was 44 Yes, 1 No.

The moderator then read Article #12.

Article #12: To see if the Town will vote to raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to be added to the Invasive Species Prevention and Eradication Removal Expendable Trust Fund previously established. Majority Vote Required. The estimated tax impact is \$0.012 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (7-4).

Donna Danis presented Article #12 stating it was a routine Warrant Article. This is a mitigation measure vs prevention on all waterways in Nottingham. All NH lakes are dealing with the issue of milfoil.

Brent Tweed motioned to change the amount to \$5,000. Maureen Campiola seconded the motion.

Pam Kelly said that the fund is to build a reserve as mitigation is an expensive proposition.

Michael Kelly asked if the money should be raised by private means. Tom Butkiewicz stated that we have never used the money on bodies of water other than Pawtuckaway Lake. James Kelly stated that the fund is for future problems. A general discussion ensued.

A motion to amend was read aloud by the Moderator which reduced the dollar value to \$5,000 from \$10,000. A hand card vote was taken. The result was 26 Yes, 42 No. The motion failed.

The Moderator asked if there was any further discussion on the original reading and moved it to the ballot.

Tony Dumas invoked RSA 40:10, Pam Kelly seconded the motion. A hand card vote was taken, 40 Yes, 1 No.

Article #13 was then read by the Moderator.

Article #13: To see if the Town will vote to raise and appropriate the sum of \$33,000.00 (Thirty-Three Thousand Dollars) for the purpose of purchasing the necessary fuel, supplies, equipment, and maintenance to run the ambulance and billing services for 2022; and to authorize the withdrawal of \$33,000.00 (Thirty-Three Thousand Dollars) from the Ambulance and Equipment

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Replacement Special Revenue Fund created for this purpose. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Tiler Eaton asked Chief Vilchok to speak about the Article.

Chief Jaye Vilchok stated that in 2009 the Town started a special fund to operate Ambulance Services.

Maureen Campiola asked if the money is to come out of a fund and not be raised. Chief Vilchok replied in the affirmative.

Article #14 was moved to the ballot by the Moderator.

Tony Dumas invoked RSA 40:10, Pam Kelly seconded the motion. A hand card vote was taken. 47 Yes, 1 No.

Moderator MacKinnon then read Article #14.

Article #14: To see if the Town will vote to raise and appropriate the sum of \$300,000 (Three Hundred Thousand Dollars) for the purchase of a new ambulance, and to authorize the withdrawal of \$300,000.00 (Three Hundred Thousand Dollars) from the Ambulance and Equipment Replacement Special Revenue Fund created for this purpose. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Chief Vilchok presented the Article stating that it was an additional ambulance purchase and that the current ambulance will cost approximately \$300,000 when purchased. The Department is currently seeing back-to-back calls that need to be handled. An additional \$100,000 for equipment which will come from another fund will also be required. There is a 9–12-month delivery time. Jaye noted that this additional money is needed regardless of 24/7 staffing.

The Moderator moved the Article to the ballot.

Tony Dumas invoked RSA 40:10, Pam Kelly seconded the motion. A hand card vote was taken 46 Yes, 1 No.

The Moderator then read Article #15.

Article #15: To see if the Town will vote to raise and appropriate the sum of \$48,000 (Forty-Eight Thousand Dollars) for the purpose of purchasing a new Ford F350 utility truck, and to authorize the withdrawal of \$48,000 (Forty-Eight Thousand Dollars) from the Highway Truck Capital Reserve Fund established for this purpose. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (4-1).

The Budget Committee does not recommend this appropriation (2-7-2).

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

John Morin spoke about the Highway Department's Director needing to replace an older F350 which was having service and rust issues.

Maureen Campiola asked the age of the vehicle to be replaced. 2012 was answered by the Board of Selectmen.

Ben Bartlett said he did not think an F350 was suitable for the type of work needed and he does not recommend the purchase.

Michelle King asked if the current vehicle would be traded. John Morin replied it would be.

Gene Reed stated \$48,000 seems like an outdated figure for a new F350. Donna Danis confirmed that if the cost is too low, the balance would come from the operating budget.

Bob Desrosiers asked if it would be equipped with a sander and plow. Ben Bartlett said \$12,000 more would be needed. Kathy Mayo stated the MSRP is \$65,521 for a new Ford F350.

Gene Reed motioned for an amendment to raise \$0, this was seconded by Vicky Greene.

John Morin verified that no sander will be used.

Vicky Greene stated that we should be able to question town officials on what has been presented.

The Moderator read the Article as amended.

Article #15: To see if the Town will vote to raise and appropriate the sum of \$0 (Zero Dollars) for the purpose of purchasing a new Ford F350 utility truck, and to authorize the withdrawal of \$0 (Zero Dollars) from the Highway Truck Capital Reserve Fund established for this purpose. Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (4-1).

The Budget Committee does not recommend this appropriation (2-7-2).

A hand card vote was taken. 34 Yes, 17 No.

The motion passed and was placed on the ballot as amended.

Gene Reed invoked RSA 40:10, Ben Bartlett seconded. A hand card vote was taken. 48 Yes, 0 No.

Article #16 was then read by the Moderator.

Article #16: To see if the Town will vote to raise and appropriate \$233,750.00 (Two Hundred Thirty-Three Thousand Seven Hundred and Fifty Dollars) to pay off long-term debt acquired to purchase property known as Mulligan Forest in 2007. The sum to come from unassigned fund balance. The savings in principal and interest would reduce the tax rate by \$0.052 per \$1000 of

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

property valuation beginning in 2023. Majority Vote Required. The estimated tax rate impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Donna Danis spoke that this would reduce the debt of the Mulligan Forest purchase by the Town with funds raised by the sale of property on Route 4.

Gene Reed asked if the Board of Selectman had considered paying the balance due with the balance of Conservation Funds and if that option was explored.

Sam DeMerritt, Chair of the Conservation Committee, stated that a number of projects are in the works, and it would eat up the balance.

Tom Butkiewicz noted that Article #16 and #23 if passed, might conflict. What would happen then?

Donna Danis stated that the articles are enacted in the order that they appear on the ballot.

Tom Butkiewicz motioned that Article #23, which was a citizen's petition, be pushed before Article #16. Jeff Morrison seconded the motion.

Moderator MacKinnon then read, in full, as amended by Tom Butkiewicz.

Hal Rafter noted that the Board of Selectmen cannot direct the Conservation Committee.

Sandra Jones said the amendment confuses vs clarifies. Susan Mooney asked if the order of the Articles can be changed. The answer was no.

Sam DeMerritt stated that \$155,000 to fund from a conservation easement on Stage Road has already been approved and that would lower the balance to near \$0.

Gene Reed was in favor of using Conservation funding this as it is a good use of the money and is not limiting the ability to conserve land.

Raelene Shippee-Rice asked for clarification.

The Moderator re-read the amended Article as follows.

Article #16: To see if the Town will vote to raise and appropriate \$233,750.00 (Two Hundred Thirty-Three Thousand Seven Hundred and Fifty Dollars) to pay off long-term debt acquired to purchase property known as Mulligan Forest in 2007. The sum to come from unassigned fund balance. If Article #23 is adopted, Article #23 shall take precedence over this article. The savings in principal and interest would reduce the tax rate by \$0.052 per \$1000 of property valuation

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

beginning in 2023. Majority Vote Required. The estimated tax rate impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

A hand card vote was taken. 38 Yes, 20 No.

Tom Butkiewicz motioned to invoke RSA 40:10, Jeff Morrison seconded the motion. A hand card vote was taken. 42 Yes, 1 No.

Article #17 was then read by the Moderator.

Article #17: To see if the Town will vote to raise and appropriate \$136,224 (One Hundred Thirty-Six Thousand Two Hundred and Twenty-Four Dollars) to pay off long-term debt acquired to build the new fire station in 2007. The sum to come from unassigned fund balance. The saving of principal and interest would reduce the tax rate impact by \$0.051 per \$1000 of property valuation beginning in 2023. Tax Majority Vote Required. The estimated tax impact is \$0.00 per \$1,000 of property valuation.

The Select Board recommends this appropriation (5-0).

The Budget Committee recommends this appropriation (11-0).

Tony Dumas explained the money would come from the sale of Town owned property to pay off the debt.

Gene Reed stated it was a good use of money gained from the sale of the former USA Springs property.

The Moderator asked if any discussion was needed. There was none. She moved the Article to the ballot.

Tony Dumas invoked RSA 40:10, Pam Kelly seconded the motion. A hand card vote was taken. 53 Yes, 0 No.

The Moderator then read Article #18.

Article #18: Shall the town vote to adopt the provisions of RSA 36-A:4-a, I(b) to authorize the Conservation Commission to expend funds for contributions to 'qualified organizations' for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the town will retain no interest in the property. Majority Vote Required.

Tony Dumas then asked the Conservation Committee Chair to speak. Sam DeMerritt noted that the current owner of a piece of property wants to make sure that the Town hold any interest in the land.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Michael Kelly asked if this was a one-time usage or in perpetuity. Sam answered that the funds need to be released to the Board of Selectmen and they may or may not determine if funds are worth spending.

Sandy Weston asked what a 'qualified organization' is. Sam replied that it is a Land Trust or a Town Land Trust. The organization holds the easement and makes sure the terms are up to date. he noted that it is monitored annually.

Tom Butkiewicz stated property taxes were to be raised by the Conservation Committee on land that pays current use tax rate. He asked why private funds were not being used.

Gene Reed asked the Town Attorney if no amendment is allowed. She stated that this is statutory and needs to be worded verbatim.

Per the Moderator, the Attorney noted that the statue number for reference and stated it could not be amended.

Moderator MacKinnon then moved Article #18 to the ballot.

Article #19 was then read by the Moderator.

Article #19: To see if the Town will vote to discontinue and relinquish all public interest in that portion of Cahill Road, beginning at the Northwest corner of Tax Map 68, Lot 51, and extending to its terminus, subject to the condition that the owner of Lot 49-2 conveys an easement for a truck turnaround at a location, and in a form satisfactory to the Board of Selectmen.

John Morin stated that this property is on Pawtuckaway Lake. When emergency lanes became Town roads, it changed how a family road was affected. This Article would now make a turn around on the property for the family. The town would no longer own it.

Moderator MacKinnon moved the Article to the ballot.

Article #20 was then read by the Moderator.

Article #20: To see if the town will vote to adopt the provisions of RSA 72:61 through RSA 72:64 inclusively, which provide for an optional property tax exemption from the property's assessed value, for property tax purposes, for persons owning real property, which is equipment with solar energy systems intended for use at the immediate site. Such property tax exemption shall be in the amount equal to 100% of the assessed value of qualifying equipment under these statues. Majority Vote Required. By citizen petition.

Laura ???? Hilbert stated that there was positive reason for this Article and that other towns have it.

Ben Bartlett asked how the solar panels are evaluated and depreciated.

Gene Reed said this contradicts property tax methodology used in NH as we assess solar panels. He asked what method is being used.

Ms. Hilbert stated the assessing company current uses this method.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Kathy Mayo stated it was legalese and asked if it could be put in common language.

Ms. Hilbert said this would be tax neutral.

The Moderator then moved the Article to the ballot.

The Moderator then read Article #21 regarding Town Roads.

Article #21: To see if the town will vote to accept, in their current condition, as Class V. Town-maintained highways, the following roads identified as Emergency Lanes by the Board of Selectmen: Sherwood Ln.; Langley Ln.; Little John Ln.; Rougier Place, beginning at its intersection with Water St., bearing Northwest at the fork and ending at Tax Map 1, Lot 124; and Water St.; beginning at its intersection with Cooper Hill Rd. And ending at Tax Map 1, Lot 107. The combined length of these roads is approximately .7 miles (7/10ths of a mile) and have been maintained by the town for several decades. Majority Vote Required. By citizen petition.

John Andrade stated that Snow Lane was on the original petition but not stated in the Warrant Article. It was determined it was omitted in error.

Mr. Andrade made a motion to add Snow Lane to Article 21 after Little John Lane. Pam Kelly seconded the motion. After no further discussion, Article #21 was voted on by hand card as amended. 49 Yes, 1 No.

Tom Butkiewicz mentioned that no one from Little John Road signed the petition. Do the people who live there know it is in the warrant, and if they do not know, additional costs may be incurred if it passes.

John Andrade stated the road has been maintained for decades.

Michelle King said added expenses will be incurred because they were when roads were added in 2021.

Tom Butkiewicz questioned and asked Chris Sterndale if unaccepted roads are considered private property. Mr. Sterndale noted that the town is not taking ownership of the land, only the status is changing. It is not eminent domain.

The Town Attorney then spoke stating that it was not eminent domain.

Ms. Maimone spoke about the history of the town maintaining the road.

Kathy Mayo asked what the purpose of the Article is as it is already being done. Mr. Andrade stated that it codifies the action.

Tracy Black asked how maintaining these roads for decades increases the budget or are there additional requirements by the Town if they become Class V roads. Ben Bartlett stated that different materials will be used.

Steven Smith asked if additional language is mentioned on the Town website. John Morin stated that the Board of Selectmen discussed and left it as it was originally written.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Tom Butkiewicz motioned to add language from the lawyer's letter to the Article and this wording is on the Town's website.

Tom read the wording out loud.

The Moderator requested the Amendment in writing.

Maureen Campiola seconded the motion.

Article #21: To see if the town will vote to accept, upon approval of the Board of Selectmen in consultation with the Road Agent, as Class V Town-maintained highways, the following roads identified as Emergency Lanes as shown on approved subdivision plan on record by the Board of Selectmen: Sherwood Ln.; Langley Ln.; Little John Ln.; Rogier Place, beginning at its intersection with Water St., bearing Northwest at the fork and ending at Tax Map 1, Lot 124; and Water St.; beginning at its intersection with Cooper Hill Rd. And ending at Tax Map 1, Lot 107. The combined length of these roads is approximately .7 miles (7/10ths of a mile) and have been maintained by the town for several decades. Majority Vote Required. By citizen petition.

Tom Butkiewicz read it out loud as proposed to be amended. Maureen Campiola seconded the motion. The Moderator then asked for a vote on the Article as amended by hand card. 26 Yes, 29 No. The motion failed.

The Moderator moved Article #21 as originally written and adding Snow Lane, to the ballot.

Article #21: To see if the town will vote to accept, in their current condition, as Class V. Town-maintained highways, the following roads identified as Emergency Lanes by the Board of Selectmen: Sherwood Ln.; Langley Ln.; Little John Ln.; Snow Lane; Rogier Place, beginning at its intersection with Water St., bearing Northwest at the fork and ending at Tax Map 1, Lot 124; and Water St.; beginning at its intersection with Cooper Hill Rd. And ending at Tax Map 1, Lot 107. The combined length of these roads is approximately .7 miles (7/10ths of a mile) and have been maintained by the town for several decades. Majority Vote Required. By citizen petition.

The Moderator then read Article #22 aloud.

Article #22: To see if the town will vote to authorize \$300,000 (Three Hundred Thousand Dollars) of the Land Use Change Tax (LUCT) collected pursuant to RSA 79-A:25 to be deposited into the existing Conservation Fund in accordance with RSA 36-A:5, III, as authorized by RSA 79-A:25, II. LUCT collected in excess of \$300,000 shall be deposited in the General Fund. If adopted this article shall take effect April 1, 2022, and shall remain in effect until altered or rescinded by a future vote of the town meeting. Majority vote required. By citizen petition.

Gene Reed stated that this puts a cap on the LUCT and wants to amend it, so that the \$300,000 shall be a cumulative limit.

Gene Reed motioned to amend the Article. Michael Kelly seconded the motion.

Tom DeMerritt spoke to the issue. Gene Reed said it will not defund, but it is a limit. Gene stated that the \$300,000 limit is by voters. Otherwise, the Board of Selectmen would make that determination.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Peter Smith asked if it the Conservation Committee can go to the Selectmen if there is a time crunch. The answer was no.

Several others stated that for transparency, a back story is needed to clarify.

Celia Abrams suggested to clarify, the word “cumulative” within his amended wording.

The amended Article was voted on as follows:

Article #22: To see if the town will vote to authorize \$300,000 (Three Hundred Thousand Dollars) of the Land Use Change Tax (LUCT) collected pursuant to RSA 79-A:25 to be deposited into the existing Conservation Fund in accordance with RSA 36-A:5, III, as authorized by RSA 79-A:25, II. LUCT collected in excess of \$300,000 shall be deposited in the General Fund. The \$300,000 shall be a cumulative limit to be held in the Conservation Fund. If adopted this article shall take effect April 1, 2022 and shall remain in effect until altered or rescinded by a future vote of the town meeting. Majority vote required. By citizen petition.

The hand count totals for the amendment were 35 Yes, 9 No.

Hal Rafter suggested to amend the amount from \$300,000 to \$500,000. Pam Kelly seconded the motion.

Tom Butkiewicz stated a half million dollars is too large without asking voter for permission. Hal stated that it would still go before the Committee and Board at a Public Hearing. Brent Tweed thought that \$300,000 was reasonable. Gene Reed said a Public Hearing is not a town wide vote.

A hand count was taken on the amendment. 12 Yes, 35 No. The motion failed.

Article #22 moved to the ballot as originally amended. (See below)

Article #22: To see if the town will vote to authorize \$300,000 (Three Hundred Thousand Dollars) of the Land Use Change Tax (LUCT) collected pursuant to RSA 79-A:25 to be deposited into the existing Conservation Fund in accordance with RSA 36-A:5, III, as authorized by RSA 79-A:25, II. LUCT collected in excess of \$300,000 shall be deposited in the General Fund. The \$300,000 shall be a cumulative limit to be held in the Conservation Fund. If adopted this article shall take effect April 1, 2022, and shall remain in effect until altered or rescinded by a future vote of the town meeting. Majority vote required. By citizen petition.

Gene invoked RSA 40:10, Pam Kelly seconded. A hand card vote was taken. 30 Yes, 0 No. The motion carried.

Cheryl Fogg invoked RSA 40:10 on Article #21. Pam Kelly seconded. A hand card vote was taken. 35 Yes, 3 No.

The Moderator then read Article #23.

Article #23: To Reduce our property taxes, shall we direct the Board of Selectmen and the Conservation Commission to use the Conservation Fund to pay off the town’s remaining long-

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

term debt from the 2007 purchase of the Mulligan Forest Conservation Easement? Majority vote required. By citizen petition.

Tom Butkiewicz advised by the Town's Attorney that this Article was probably unenforceable. Sandra Jones and Kathy Mayo spoke about the Article.

After no further discussion, the Moderator moved the Article to the ballot.

The Moderator then read Article #24.

Article #24: In order to promote transparency and ensure our elected officials represent the interests of Nottingham's taxpayers, shall we direct the School Board to allow public access to all negotiations of union contracts and collective bargaining, by conducting all such negotiations as meetings open to the public and subject to the provisions of NH RSA 91-A (Access to Governmental Records and Meetings)? Majority vote required. By citizen petition.

Tom Butkiewicz stated that the negotiations are currently not made public. This Article requests that they become so.

Tom Butkiewicz motioned to amend by removing RSA 91-A and replace with other verbiage as below. Tom But motioned, and Jeffrey Morrison seconded the motion.

Article #24: In order to promote transparency and ensure our elected officials represent the interests of Nottingham's taxpayers, shall we direct the School Board to allow public access to all negotiations of union contracts and collective bargaining, by conducting all such negotiations as meetings open to the public with advance public notice of time and place, minutes recorded and made available, and time allotted for public comments. Majority vote required. By citizen petition.

A hand count vote was taken. 20 Yes, 15 No. The amendment passed.

Tiler Eaton spoke with knowledge of union labor and negotiations and suggested to have representation on the bargaining table or School Board reporting back.

The Moderator moved the Article as amended to the ballot.

Tom Butkiewicz invoked RSA 40:10, Jeffrey Morrison seconded. A hand card vote was taken. 30 Yes, 0 No.

The Moderator then read Article 25.

Article #25: To reduce the amount of waste the town must pay to dispose of, and to enable the reuse of salvageable materials, shall we direct the Board of Selectmen to allow town residents to pick and take reusable materials and objects, at their own risk, from the recycling center dumpsters?" Majority vote required. By citizen petition.

Tom Butkiewicz spoke about Reduce, Reuse, and Recycle.

Vicky Greene would be pleased if it is adopted as she uses it.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

Sandra Jones noted that “At your own risk” is a liability issue and unenforceable. She proposed a motion to amend the wording to set items outside of the containers. Using it as a swap area vs all into the dumpster. Susan Jackson Rafter seconded the motion.

The Moderator showed the amended wording to the Town Attorney for review and after the Moderator read it aloud stating that it does not change the subject matter.

Holly Zirkle stated there are environment advantages.

The Moderator read the amended article adding the verbiage “Items placed within a designated area”

Chelli Tennis, Chair of the Nottingham Food Pantry, stated that some of her clients use the items to supplement their income. Kathy May does agree with the amendment. Susan Mooney says nay to the amendment.

After a hand card vote, 5 Yes, 26 No. The amendment failed.

Donna Danis then said the Selectboard proposed an amendment to add “The Selectboard shall adopt policies and procedures to enact this Article.

Tony Dumas seconded the motion.

Tom Butkiewicz said the Board brought the change in the first place. Maureen Campiola stated she did not want to amend it.

A hand card vote was taken to amend. 8 Yes, 23 No. The amendment failed.

The Moderator moved Article #25 to the ballot as originally written.

Tom Butkiewicz invoked RSA 40:10, Kevin Jordan seconded the motion. By hand card vote 26 Yes, 0 No.

The Moderator then read Article 26.

Article #26: Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year’s actual amount of local taxes raised, by more than 4%? Majority vote required. By citizen petition.

Tom Butkiewicz spoke about the Article capping the tax increase to 4%.

Hal Rafter wanted to know if it was binding. Does it apply to the School Budget as well?

The Town Attorney spoke that if it passed, the Budget Committee is limited next year to 4% Any appropriates on Warrant above and beyond this amount can be rescinded. It applies to next fiscal year and any warrant articles and appropriated monies.

Donna Danis stated that the Board of Selectmen can amend line items at the Deliberative Session.

Town of Nottingham
Deliberative Session Minutes - Saturday, February 5, 2022

The Town Attorney stated that it did not apply to the School Budget.

Hal Rafter stated that the Budget Committee Represents both Town and School. Chris Sterndale stated that yes, while that was true, they are two separate processes.

Kathy Mayo spoke in favor.

Donna Danis spoke against the Article stating it could limit things we need or want.

Michael Kelly said we cannot sustain, as a Town, and this Town does a lot of extra things.

Donna Danis said the default budget is a mechanism.

Maureen Campiola noted her property taxes have risen \$7,000 in the last few years.

The Moderator moved Article 26 to the ballot as read.

The Moderator then read Article #27.

Article #27: To transact any other business, which may legally come before this meeting.

Vicky Green asked if the set up for the next meetings are all prepared and tested prior to the meeting beginning. She thanked Bonnie as Moderator for her compromise on the mixed area for those that attendees and thanked those that prepared for same.

Gene Reed thanked Bonnie.

Mike Coltin motioned to adjourn the meeting; Tom Butkiewicz seconded the motion.

Bonnie Winona MacKinnon reminded everyone that of the upcoming March 8th election.

The meeting ended at 5:45 pm.

Respectfully submitted,

Lorraine Anderson

Town Clerk

Town of Nottingham