

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

Call to Order

Members present: Tim Dabrieo John Decker, Steve Welch, and Matthew Shirland.

Members of the public: Please refer to the sign in sheet at the end of this document.

Members Excused: John Morin

Pledge of Allegiance: The meeting began with the Pledge of Allegiance.

Approve Manifests A/P 4/1/2024 Payroll 4/2/2024

Mr. Decker asked Ms. White to check why the phone bill for the recycling center was high.

Mr. Welch made a motion to approve the manifests for A/P 4/1/2024 Payroll 4/2/2024. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

Approve Minutes Public 3/4/2024, 3/18/2024, 3/20/2024 and 3/27/2024; and Non-Public 3/4/2024 and 3/27/2024

Due to the absence of members who would constitute a quorum for approving minutes, the action on approving the 3/4/2024 draft minutes (both public and non-public) was deferred to the next meeting.

Members reviewed 3/18/2024 minutes and made several changes.

Mr. Shirland made a motion to approve 03/18/2024 minutes as amended. Mr. Decker duly seconded and motion carried with a 3:0:1 roll call vote.; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye. Mr. Dabrieo – abstained.

Action 3/20/2024 and 3/27/2024 minutes was also deferred.

BOS Reports from Assigned Boards/Committees/Departments: Budget, Planning Board, CIP

- A Budget Committee meeting is scheduled for April 18th, there is a need to fill an open position and those who are interested should reach out to the chair.
- Planning Board discussed a property walkthrough and clarified responsibility for the Capital Improvement Program (CIP).
- CIP representatives from various Boards need to be appointed, and Ms. White will reach out to various Boards and Committee chairs to let them know. Also, CIP meetings may start earlier, around July.

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

Town Administrator Report

Ms. White presented the following from the Town Administrator's report:

1. Requested a motion to approve the appointment of Matthew Curry as Fire Warden.

Mr. Shirland made a motion to approve the appointment of Matthew Curry as Fire Warden. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

2. Request motion to approve the appointment of Deputy Fire Wardens as submitted by Chief Curry.

Sandra Vilchock, Jeremy Lavoy, and Jaye Vilchock were noted as not being reappointed as Deputy Fire Wardens.

Mr. Shirland made a motion to approve the appointment of Jack W Meyers, Mark Peterson and Kyle Kustra as Deputy Fire Wardens as submitted by Chief Curry. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

3. Requested a motion to approve the appointment of Allison Friend-Gray as an alternate Library Trustee for a one-year term.

Mr. Shirland made a motion to approve the appointment of Allison Friend-Gray as an alternate Library Trustee for a one-year term. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

4. Request motion to approve the reappointment of Karyn Quinn as an alternate Library Trustee for a one-year term.

Mr. Shirland made a motion to approve the reappointment of Karyn Quinn as an alternate Library Trustee for a one-year term. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

5. Request motion to approve the reappointment of Kristen Lamb to the Conservation Commission. (Please note, her term expired in 2022 and was not renewed). The appointment will be for the remainder of the term she should have been re-appointed to (2025).

Mr. Shirland made a motion to approve the reappointment of Kristen Lamb to the Conservation Commission. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

6. Request motion to approve form MS-232 - Appropriations as Voted.

Mr. Welch made a motion to approve to approve form MS-232. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote in favor. Mr. Dabrieo - aye; Mr. Welch - aye; Mr. Shirland - aye, Mr. Decker - aye.

7. Materials for Benjamin Bartlett's Eagle Scout project will be delivered in the next week or two, working around winter storms incoming. In preparation for this project, the Highway Department would like to address some drainage issues that cause flooding at the base of the main entrance and extend along the lower parking lot. Highway Director Steve Rollins presents three options to address and correct the drainage problem:
 - a. Add an underdrain extending from the upper parking lot next to the Dame Building extending along the lower parking lot, then adding a daylight after the lower driveway. Material will be 4" pipe and crushed stone. The parking lot would have to be cut and patched to perform this work.
 - b. Clean out existing stormwater drain that empties into an old well tile below grade, add filtering sand to help with drainage. Still may not be suitable to fully address water pooling up.
 - c. (Preferred) Create a drainage swale in the middle of the island alongside the lower parking lot. This will still allow for tree planting, seeding, bark mulch application as proposed in the eagle scout project.

After a brief discussion members agreed that going with option c would be a good start and then Mr. Decker could touch base with the Highway Department.

General Information/Announcements:

8. Lease agreement with Emi's Porta Potty was executed on Monday, March 25, 2024.
9. Lease agreement with Beaudette & Sons is under review.
10. The Safety Policy review has been completed by Primex with minimal recommendations.
11. The Fire Department proposed and is working through a scheduling change which will eliminate the need for overtime beyond 45 hours as is stated within the town's personnel policy.

Correspondence:

12. Linda Przychodny - 3/19/2024 re: Complaint Log and BOS Question
Response given by Ms. White on 3/27/2024

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

13. Linda Przychodny - 3/25/2024 re: Recycling questions for BOS meeting
Response given by Ms. White on 3/29/2024

14. Linda Przychodny - 3/27/2024 re: Unpaid tax questions
Response given by Ms. White on 3/27/2024 & 3/28/2024

15. Jaye Vilchock - 3/21/2024 re: ALERT. FY 2024 Article 2
It was noted that there is a default budget and no changes have been made.

16. Jaye Vilchock (Jr) - 3/22/2024 re: Complaint concern about BOS July timeline
No response was provided as the timeline was before most BOS current Board members tenure.

17. Jaye Vilchock (Jr) - 3/22/2024 re: Complaint concern about BOS July 2023 timeline #2
No response was provided as the timeline was before most BOS current Board members tenure.

18. Jaye Vilchock (Jr) - 3/27/2024 re: Complaint/concern
There were discussions about redaction practices in emails, specifically regarding the redaction of personal email addresses for privacy reasons. It was agreed to look into these issues further to ensure compliance with regulations and to clarify any discrepancies.

The discussion revolved around why Board and committee members do not have town-issued email addresses. It was speculated that it might be due to limitations on allotted accounts and turnover in membership. Concerns were raised about the use of personal emails for official correspondence, which could pose challenges for records retention and transparency. Ms. White will investigate further to see what costs are associated with providing a town issued email to all Board and committee members.

Appointments - times tentative and subject to change

7:00 - Tami Defrancesco, Northeast Watercross

Tami Defrancesco and Jim from Northeast Watercross provided updates and addressed concerns regarding their upcoming event. They discussed the application, which had been split into individual events, and clarified that the number of attendees typically aligns with zoning regulations, with about 400 to 500 people present at any given time. They emphasized that attendees come and go throughout the day, with most being spectators supporting racers and their families. Regarding vendors, they mentioned having only two vendors confirmed so far, with efforts ongoing to secure additional food vendors. Tammy and Jim assured the Board that the event wouldn't exceed its capacity and emphasized their commitment to maintaining its manageable size. They also touched on logistics such as EMS services, stating that while they aim to support local providers, they may need to contract with external services based on availability. Dates for the event: June 28th-30th, August 23rd-25th, and September 20th-22nd and three separate applications would be submitted. After reviewing the application, the Board discussed signing it, with the understanding that public comment would be allowed later in the meeting.

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

7:15 - Frank Gonsalves

Frank Gonsalves, who is a long-time resident, expressed concerns about excessive salt dumping on Kelsey Road, and East and West Lanes, citing instances where salt levels were deep and raised well contamination issues. He described witnessing salt dumping during heavy rain, leading to frustration over wasted salt and potential damage to their property as his dug well is very close to the road and has been showing elevated sodium and chloride levels for quite some time now. Mr. Gonsalves mentioned elevated chloride levels in their well water and discussed the potential health hazards, including cyanide content in road salt, for which he is also planning to test his water now. He note that the State has already set precedent by replacing wells for people living on state owned roads who's wells were contaminated by the use of road salt.

Mr. Gonsalves then outlined his diligent efforts to document the issue, including conducting well water tests for his and neighboring properties and capturing photographs of salt dumping incidents. Additionally, Mr. Gonsalves expressed a willingness to undergo a polygraph test to corroborate his claims and suggested holding the responsible parties accountable through legal channels. Furthermore, he delved into the historical context of road salt usage and proposed exploring alternative solutions, such as the Camp Road winter maintenance program. Despite acknowledging financial constraints, Mr. Gonsalves stressed the imperative of collaborative action between residents and the town to effectively address the issue and safeguard community well-being.

The Board requested that Mr. Gonsalves provide them with all the new information regarding his water testing that he has not yet submitted to them.

Review Action Items From Last Meeting

1. **Policies Review:** The Smoking Policy was reviewed, and it was determined that there were no changes necessary. It was decided to hold it over to the next meeting for potential adoption. Safety Policies were discussed, and some minor changes were recommended by Primex. These changes will be incorporated, and the policies will be presented to the Joint Loss Safety Committee for final review. Regarding the Complaint Policy, it was noted that there is currently no formal policy in place since it was repealed in 2016. A template form from another town was shared for consideration, and it was discussed whether a formal policy is needed or if guidance on how to make complaints would suffice. A town resident had drafted a spreadsheet for tracking complaints, but concerns were raised about documenting every complaint and ensuring feedback from departments on their resolution. It was agreed that a good place to start would be for Ms. White to create a form based on the other town's template and share it on the website. A suggestion was made that the departments share the outcome of each complaint's resolution. Code of Conduct and Rules of Procedure policies were said to be reviewed mainly to familiarize the Board with them, and no significant changes were suggested.
2. **Rental Agreement for the Old Fire Station:** This was previously discussed, and ongoing efforts are being made to finalize the agreement.
3. **Town Beach Agreement:** Primex suggested drafting a memorandum of understanding (MOU) with the property owners outlining responsibilities and expectations. The town attorney will assist in drafting the MOU.

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

4. **Road Posting:** The road posting was lifted as directed by the Highway Director.
5. **Kevin Bassett.** Mr. Bassett is looking for further information regarding Indian Run and Channel Road to assist with a survey.

Assessing

Property Tax Abatement

A \$7 late fee refund for a taxpayer whose payment was postmarked late due to no fault of her own was discussed.

Mr. Welch motioned to approve the Property Tax Abatement in the amount of \$7 for Map 37 Lot 25-13. Mr. Decker duly seconded and motion carried with a 4:0 roll call vote. Mr. Decker - aye; Mr. Welch - aye; Mr. Shirland - aye, and Mr. Dabrieo - aye.

Next Meeting Action Items

Members discussed the need to await communication from Mr. Gonsalves regarding the results of his recent well testing, which will provide important insights into the situation. Then they talked about a need to clarify the discrepancies surrounding salt application practices, including concerns about the amount used, application methods, and the state of the salt shed. This may require further discussion with the Highway Director Steve Rollins to gain clarity.

Members agreed to explore well replacement policies implemented by other towns or the state to establish a baseline for evaluating test results and addressing concerns raised by property owners.

Before moving on to public comment, there was a discussion about the community newsletter and its upcoming publication deadline. The conversation centered on the financial aspect of the newsletter, exploring options to cover its costs, which included an option of going online only or raising the rates. There was also consideration of making the newsletter self-sufficient through increased advertising revenue or donations. Ms. White will draft a submission for the April issue. It was also noted that the town plans to move forward with a default budget.

Public Comment

- Nate and Jenny Bernitz, from 205 Raymond Road spoke about the Northeast Watercross events. They expressed concerns regarding its negative impact on their quality of life, highlighting issues such as noise levels and exhaust smells. They mentioned that now with a baby on the way, it would be very challenging to leave town during the event days. They requested that the special event permit either be rejected or reduced to address these concerns. They acknowledged private property rights but emphasized that this is a commercial event affecting their quality of life.
- Charlotte Fyfe, from 85 Deerfield Road expressed the strong sentiment among some residents that the newsletter must continue in print. She suggested putting a warrant article for next year to let voters decide its importance. While acknowledging the benefits of self-sufficiency, she noted the potential challenges of increased print costs. Mr. Decker's

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

suggestion of raising rates for advertisers was considered, though Ms. Fyfe emphasized the preference for paper format among many readers. After checking with Ms. White on where the finances stood at the moment for the newsletter, it was revealed that there were some expenditures already, prompting discussion on managing costs and potentially shifting focus to digital distribution.

- Linda Przychodny, 16 Camelot Court, inquired about the possibility of opting for paperless delivery of the newsletter.

It was explained that since the newsletter is mailed to all Nottingham residents via bulk mail, there is not an option to opt in for paperless delivery. The discussion briefly touched on similar options for tax invoices, where opting in for paperless statements typically requires paying bills online, incurring additional fees. Ms. Przychodny expressed frustration with this process, highlighting the inconvenience and extra expenses associated with online payments. She requested further investigation into possible alternatives for opting in for paperless delivery.

- Jaye Vilchok, 106 Mountain Road, Firstly, he thanked Town Administrator White for providing information about the surety bond but noted that only the \$100,000 limit was clarified. He requested identification, by position, of the specific positions covered under the surety bond according to the RSA he provided.

Ms. White noted that all these positions are referenced in the RSA language that she also sent him.

- Secondly, Mr. Vilchok brought up a March 2022 decision where the town voters approved increased staffing for the fire department to cover 24/7 operations. He asked for clarity on how a 42-hour schedule would cover this.

He was told that that the schedule is still being finalized.

- Sandra Vilchok, 106 Mountain Road, raised several points. Firstly, she questioned the necessity of having separate mailboxes for the town and the tax collector, suggesting the possibility of having one mailbox at the end of the driveway.

The idea of having multiple locked mailboxes, similar to apartment buildings, was discussed to streamline mail delivery. The importance of ensuring mail security, especially for tax-related documents, was emphasized.

- Secondly, Ms. Vilchok commended the Northeast Watercross for its responsible approach to safety, particularly regarding the provision of EMS services. She did raise concerns about the event's ambulance contract and its potential implications if breached. She asked that it be checked before the license is approved.
- Lastly, Ms. Vilchok inquired about accessing email addresses for select Board members and department heads, seeking clarification on where to find them on the town website. She also requested confirmation of the current Fire Chief's email address.

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

- Robin Marshall, from 189 Old Turnpike Road, expressed her support for the Nottingham newsletter, emphasizing her preference for receiving it in printed form. She also raised concerns about the lack of notification regarding a recent power outage at the Recycling Center, highlighting the inconvenience faced by residents. Ms. Marshall suggested implementing a system for receiving alerts about such incidents to improve communication and mitigate inconvenience in the future.

Ms. White acknowledged the issue and assured that protocols would be put in place to address it moving forward. Ms. White stated the power loss occurred around 2 pm and staff waited for 30-minutes before they shut the facility down. Staff attempt was made to contact the town office for notification but the office closes at noon on Fridays.

Non-Public Session

Mr. Shirland moved to enter non-public session at 8:15 PM pursuant to RSA 91-A:3, II (a), and (b). Mr. Welch duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Decker – aye.

Non-public session was entered at 8:15 PM

Mr. Decker moved to exit the public session at 8:47 PM, Mr. Shirland duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Decker – aye.

The public session was resumed at 8:47 PM.

Adjournment:

Mr. Decker moved to adjourn at 8:47 PM, Mr. Shirland duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Shirland – aye, Mr. Welch – aye, Mr. Dabrieo – aye, Mr. Decker – aye.

The meeting adjourned at 8:47 PM.

Prepared by Alvina Snegach from the video recording

Nottingham Select Board Meeting

04/01/2024

Selectmen Meeting Minutes

DATE: APRIL 1, 2024

BOARD OF SELECTMEN MEETING

NAME	ADDRESS
1. <u>FRANK GONZALEZ</u>	<u>113 Kersay</u>
2. <u>LINDA Przychodny</u>	<u>16 Camelot Ct.</u>
3. <u>Chelli Tennis</u>	<u>17 Robin Hood DR</u>
4. <u>Charlotte Fyfe</u>	<u>85 Deerfield Rd.</u>
5. <u>Doug Bader</u>	<u>30 Longway Dr</u>
6. <u>Robin Marshall</u>	<u>189 Old Tumpike Rd.</u>
7. <u>Tami DeFrancesco</u>	<u>214 Raymond Rd</u>
8. <u>James George</u>	<u>214 Raymond Rd</u>
9. <u>Nate Bernik</u>	<u>205 Raymond Rd</u>
10. <u>Tenny Bernik</u>	<u>205 Raymond Rd</u>
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