

Nottingham Select Board Meeting

05/01/2023

APPROVED Minutes

Approved as presented on May 15, 2023.

Call to Order

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

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

Members Excused: none

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

Mr. Bartlett said that he was aware that the large number of people present in the public was largely due to the issue with the investigation that is ongoing in the Fire Department. He said that the Board of Selectmen cannot comment or discuss an ongoing investigation and read the following statement into the record:

“We understand that many of you are here with questions about the Fire Department. The Town is currently in the process of a personnel investigation. At this time, we are not permitted to disclose the details of the investigation, or the individuals involved. We are not able to answer questions about these details either. The Town has relied on its legal counsel to hire a neutral investigator and take the necessary steps required by the Town’s Personnel Policies.”

Mr. Bartlett answered questions from the public about possible release of the report of the investigation, whether it would be made public or not, etc.

Mr. Bartlett then asked if the Board was amenable to hearing Lorna Arcand, who was scheduled for an appointment at 7:30 PM, earlier. Nobody objected.

Appointments.

Lorna Arcand

Lorna Arcand, 188 Stage Road, spoke about her concerns with the situation with the Fire Chief and Lieutenant, such as, the Acting Fire Chief’s EMT license being lapsed, him driving the rescue truck without medical supplies, and that he is driving this vehicle to Barrington where he resides. Mr. Bartlett explained to Ms. Arcand that the Acting Fire Chief has been appointed while the investigation is ongoing and that it was intentional to have someone from the outside of the organization take that role for now; that the Acting Fire Chief does not provide EMT services, which are currently done by the Nottingham regular Fire Department EMTs whose licenses are valid; and that there is no problem with him driving the Town truck to his residence as he has to be on call 24/7 and that he does not reside that far from the town border.

There was an interruption by an unidentified person who stated that the number of people currently in the meeting room exceeds allowed occupancy and that the meeting cannot continue until this issue has been resolved.

After a short back and forth, the Selectmen asked if people who were not in the room for the issue currently being discussed, could leave the room and wait in the hallway. Several people left the room. The meeting continued.

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Ms. Arcand expressed her concerns with the fact that it has been over 30 days since the Fire Chief and the Lieutenant were put on administrative leave and that allegedly they still do not know now what accusations are levied against them and whether this could become a liability for the Town.

Mr. Bartlett explained that such investigations do take time and that he was hoping that it would be wrapping up this week. He also said that all the steps are being taken in consultation with the Town Counsel.

Board Vacancy

Mr. Bartlett said that Tiler Eaton has resigned from the Board and the Board now has to appoint a candidate to fulfill his remaining term, which is one year. He continued to say that there were a few people interested, and those are Donna Danis, who was BOS Chair until the last election for which she did not run; Matthew Shirland, who ran in 2023 but did not win, and Sandra Vilchuck. Discussion ensued about whether the Board should appoint someone today or advertise the position, given the short notice given for this meeting.

After a brief back and forth with the public, members invited Mr. Shirland to address the Board.

Mr. Shirland introduced himself and noted that he ran for Selectboard in 2023 but did not get elected and that he was still interested in helping out in any way he could, including bringing some new ideas and new perspectives to the table. He added that he has lived in town since 2009.

Next was Donna Danis, who spoke about her being on the Selectboard for quite a while and that she had also served on the Budget Committee. She said that she has lived in town for 30 years, that she has demonstrated over the years that she has the prepared and is not afraid to make tough decisions. Ms. Danis added that she did not run this year as she was not sure if she would be able to complete a three year term and that she is sure that she can complete a 10 month term.

Ms. Vilchuck was not present.

There were several members of the public who addressed the Board out of order and without identifying themselves and expressing various opinions on what the Board should and should not do tonight.

Mr. Morin explained that this appointment was not an election and the Board agreed to proceed with the appointment.

Mr. Welch made a motion to make Matthew Shirland the interim selectman for the ensuing year.

Mr. Morin duly seconded and motion carried with a 4:0 roll call vote: Mr. Welch – aye, Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye.

Next, Matthew Shirland took the Oath of Office, administered by Mr. Bartlett and sat at the table as a Selectman.

Lamprey Drive

Members discussed the Public Works Director recommendation to not accept that portion of Lamprey Drive that the residents made improvements to and requested to be accepted by the Town. New Board members were unfamiliar with the issue and the road itself. Mr. Bartlett noted that the Public Works Director cites the Town Subdivision Regulations that require that any road accepted by the Town must be built to the Town road design and construction standards, which this part of the road was not, therefore, he does not recommend its acceptance by the Town. Mr. Bartlett said that he would rather defer to the Director of Public Works to identify which standards have not been met before making any decisions.

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- Paul Crovo, 24 Lamprey Drive, offered a history of the issue where the residents who were building the road were hoping to work with the Public Works Director every step of the way, but he, unfortunately, was on medical leave. He said that the residents have the email from the contractor of how the road was constructed and that they have pictures.

Members discussed the possibility of deferring the discussion until the next meeting to give the Director of Public Works a chance to review the information from the residents and to respond to questions, and also giving a chance to the new board members to do a site visit. Members asked Ms. White to find out whether the DPW Director could attend that meeting as well.

Appointments

7:15 PM Rolling Thunder

Robert McGuigan and Teresa McGuigan, representatives of the NH Chapter of Rolling Thunder spoke about the organization, which is a veterans advocacy group with a primary mission of educating the public about the fact that many American prisoners of war were left behind after previous wars.

Mr. McGuigan said that to further their mission an idea was born and enacted upon many municipalities with corporate assistance and sponsorship to dedicate a memorial chair to the POW/MIA's at public venues. He provided multiple examples of where such chairs have been installed already and talked about his organization being willing provide manpower associated with installation. He requested that the Town recommend installing such a chair in Nottingham and added that the ideal place for it might be right by the poster board set up in the Town Hall as a memorial to the veterans. Mr. McGuigan said that they would also like to have a dedication ceremony once the chair has been installed.

Mr. Bartlett thanked Mr. McGuigan and Rolling Thunder for their great work.

Mr. Bartlett made a motion to accept Rolling Thunder's gift to the Town. Mr. Welch duly seconded and motion carried with a 4:0 roll call vote: Mr. Welch – aye, Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Shirland – aye.

Mr. McGuigan then answered a few questions about logistics and costs.

7:30 PM Skip Seaverns

Skip Seaverns, 340 Stage Road,

Mr. Seaverns reminded the Board that the last time he was at the Board meeting, he was discussing the aggressive action that was take with the Fire Department, and that he was using that example to show the Board that the Town may have erred in treating the Fire Department Chief and Lieutenant as municipal employees whereas they are municipal officials that should be treated in accordance with the bylaws of their respective organizations. He noted that there are more such municipal officials in the Town than just the Fire Chief and Lieutenant. He said that he has had such a municipal official multiple times and he was not sure if there was a personnel file on him. Mr. Seaverns said that such officials should be dealt with in accordance with the bylaws of their organization and the Board of Selectmen typically would not be involved, therefore, he raised the flag, when he heard of this situation being handled differently. He said that he did not get any answers last time and was hoping to get some answers today.

Mr. Bartlett said that the Town Counsel has reviewed the policy and advised the Board that they were not bound by the bylaws of the Fire Department. He also added that the Fire Chief has been

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appointed by the Board of Selectmen, therefore, he does fall under the Personnel Policy of the Town.

Mr. Seaverns asked questions about what makes an appointed official an employee as well as any volunteer for the Town; about why these bylaws exist, which were signed by the Board of Selectmen; what changed and how long do they live for.

Mr. Bartlett reiterated that the Town Attorney reviewed both the Town Personnel Policy and the Fire Department Bylaws and determined that the Fire Chief fell under the Town Personnel Policy. There was an inaudible question from the public gallery about the Personnel Policy.

Mr. Bartlett responded that when things rise to a certain level and when there are serious accusations, the Board of Selectmen does get involved and has the final determination in regard to hiring and firing.

Then there was a brief back and forth between the Board and the public about the investigation.

Approve Manifests: A/P 5/1 and Payroll 5/02/2023

Mr. Welch made a motion to approve the accounts payable manifest of 05-01-2023 and the payroll manifest of 05-02-23. Mr. Dabrieo duly seconded. Motion carried by a 4:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch - aye. Mr. Dabrieo – aye, Mr. Shirland- abstained.

Approve public minutes 4/17/2023 and non-public minutes 4/17/2023

Mr. Morin made a motion to approve the public minutes for 4/17/2023 and non-public minutes of 4/17/2023 as presented in the packet. Mr. Dabrieo duly seconded. Motion carried by a 4:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch - aye. Mr. Dabrieo – aye, Mr. Shirland- abstained.

BOS Reports from Assigned Boards/Committees

Budget, Planning Board, CIP, Marston

Mr. Morin provided an update on the latest Planning Board meeting which reviewed a 25 lot open space subdivision plan off Smoke Street. He said that the plans should be available online. He also said that there will be another plan coming for the old USA Springs building on Route 4 for possibly a distribution center.

Mr. Dabrieo provided an update on the Marston Property Committee meeting which discussed the fact that the two softball fields dugouts should be built in the next week and a half to two Weeks. Then the two baseball fields dugouts would be built shortly thereafter, and the materials are being delivered tomorrow for that. He said that the cost came in at about \$7,000, which is lower than anticipated.

General Business

Town Administrator Report

Ms. White spoke about the following:

1. **Action Item.** Requests for paving bids were solicited and were due in the office on Tuesday, April 25 at noon. The results received are attached to the report along with DPW Director's recommendation. Ms. White went over the bids presented in the spreadsheet in her report

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identifying the lowest bidder as R&D Paving, which came in at \$504,034.85 as was recommended by the DPW Director. Ms. White requested a motion to approve award to R & D Paving as the lowest bidder for \$504,034.85 as recommended by the Public Works Director. Discussion ensued about the previous lowest bidder paving results, which were abysmal, and whether there was any recourse for the Town in such cases.

Ms. White answered questions about the bidder vetting process. Then members discussed the list of bids presented and the fact that some information was still needed (like the tonnage/square yards of material needed, or the TBD listed on one of the bids) and agreed to table the item until the next meeting. They asked Ms. White to provide the copies of the actual bids submitted for the next meeting and ask the bidders about which other towns they had worked for, so that she could check with those towns on the quality of work.

2. **Action Item.** Per the purchasing policy, three quotes have been received for the purchase of a new hot water pressure washer for the Highway Garage with recommendation for purchase as follows. Funds for this purchase are in the Highway Department's operating budget. Ms. White went over the three received bids and DPW Director's recommendation to go with Power Eagle USA's one for \$9,400.

There was a brief discussion of the initial request to purchase this equipment, which came in at around eight thousand dollars and that in the future the projected cost of the requested equipment should better match what the bids come in for later. Ms. White requested a motion to approve the purchase of the new hot water pressure washer from Power Eagle USA in the amount of \$9,400 as recommended by the Public Works Director.

Mr. Welch made a motion to accept the bid from Power Eagle USA for the purchase of the water pressure washer. Mr. Morin duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye. Mr. Dabrieo – aye, Mr. Shirland – aye.

3. **Action Item.** Aftercare Agreement

Ms. White said that the Aftercare Agreement has been reviewed and revised accordingly. She requested a motion to proceed in entering into an Agreement for Afterschool Program between the Town of Nottingham and Nottingham School District for the period of July 1, 2023 - June 30, 2027. She also requested the Board to designate an authorized signor of the agreement.

A short discussion followed about the rationale of moving to a four year term.

Mr. Welch made a motion to proceed in entering into an Agreement for Afterschool Program between the Town of Nottingham and Nottingham School District for the period of July 1, 2023 - June 30, 2027, and to make Ellen White an authorized signor of the agreement. Mr. Dabrieo duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye. Mr. Dabrieo – aye, Mr. Shirland – aye.

4. **Action Item.** Form MS-232

Ms. White said that the Form MS-232, which is a Report of Appropriations Actually Voted has been prepared for signatures and requested a motion to approve and sign form MS-232.

Mr. Shirland made a motion to approve MS-232 that has been prepared. Mr. Dabrieo duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch – aye. Mr. Dabrieo – aye, Mr. Shirland – aye.

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5. **Action Item.** Ms. White said that Tracey Black has received interest from Emma Bresland to serve as her Deputy Tax Collector. Ms. Bresland is currently one of the Recreation Program Coordinators and expressed interest in the position. Ms. White requested a motion to approve the appointment of Emma Bresland as Deputy Tax Collector and to sign the applicable oath of office form.

Mr. Dabrieo made a motion to approve the appointment of Emma Bresland as the Deputy Tax Collector. Mr. Welch duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Welch - aye. Mr. Dabrieo – aye, Mr. Shirland – aye.

6. **Action Item(s).** Correspondence received (copies of each is in the meeting packet):

- Autumn Ricker re: Town Beach comments and recommendations.
- Autumn Ricker re: Deerfield Road Parking at Pawtuckaway Lake Boat Access

Members discussed both items and asked if the DPW Director was aware of the need to install the “No Parking Signs” on Deerfield Road. Ms. White said that he was made aware that they need to be installed.

- Therese Thompson re: Request to stop Pawtuckaway State Park expansion/invasive species impact on waterways.
- Friends of Blaisdell Memorial Library Re: Free Little Library Request

Members were in favor of this request and Ms. White was asked to find an appropriate place for that.

Ms. White also said that the Library is looking to move forward with putting up a shed that on the library property and that she just wanted to clear it by the Board. They have a building permit application and all the plans and specs drawn up. The interim building inspector is just looking for permission to go ahead and proceed with issuing the permit for that shed to be installed where it is going to be placed. There were no objections on behalf of the Board.

- CMA Engineering Re: Lamprey Drive Assessment
- Mike St. Laurent Re: Objection to Watercross Special Event License.

Then Ms. White provided the following information to the Board:

Highway Department: The new utility truck has received its Line-X lining, plow gear, and lighting and is in the process of getting radio equipment installed and then will be lettered next week. Road grading continues.

Recycling Center: Research is being done on tire storage options including potential purchase of a convex storage box. Wayne Smith has received his Solid Waste Operator certification.

Police/Fire-Rescue: Nothing to report

Town Office/General: Facilities Advisory Committee is wrapping up their assessment with a meeting scheduled for May 1.

Recreation:

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- Community Clean up Day- Had over 87 volunteers help clean the Town Beach, Town Hall and Foss Fields, Marston Trails, Dugouts at Marston, Terninko Trail and the Blaisdell Memorial Library. It was the biggest turnout yet.
- Nathaniel Le Vecchio, an Eagle Scout and his friends created a Pollinator Garden at Marston for his Eagle Scout Project. <https://www.nottingham-nh.gov/parks-recreation-department/news/marston-farm-recreation-area-updates>
- Egg Hunt and You've been Egged - Over 305 participants and their families. Last year there were only 23.
- First ever Pickleball Tournament for our Legacy Leaders (55+) - 9 teams entered, full day of pickleball and great time had by all. Next year we will have a Halloween tournament to kick off the indoor season.
- Legacy Leader (55+) Spring Walks are in progress. Emma is leading this group through the trails of Nottingham and this program works well with our Town 10 Challenge. Those who finish all 10 trails in Nottingham will receive a patch that was custom designed by Emma.
- Summer Camp is almost full, there are additional camps and we are excited to say that we have two lifeguards (pending completion of certification)! We are excited to utilize the town beach this year.
- Fishing derby is scheduled for May 13.
- Town Yard Sale and plant swap is scheduled for June 17. That will be here at the Town Hall.

Action Items Review from Last Meeting

Members discussed the request from Robin and Anthony Comeau from 176 Stevens Hill Road for waiving the Planning Board requirement of the 25 road right of way easement for the newly subdivided lot.

Robin Comeau spoke from the gallery and said that if the road were to be widened it would affect the old cemetery that is there and that she was told by the Planning Board that the Board of Selectmen has the power to remove the condition put on the subdivision plan by the Planning Board.

There was discussion about the authority of the Board of Selectmen to overturn the Planning Board decision and the rationale for doing so. Mr. Morin read the Town Counsel recommendation as follows: "The Planning Board's notice of decision required this road easement as a condition of approval to the subdivision application, and that without the road easement the conditions of the Planning Board will not be met. The decision issued on October 26, 2022 under RSA 677:15-I requires that all Planning Board decisions concerning subdivisions must be appealed to Superior Court within 30 days of the date of the decision. The appeal deadline has passed, and I find no Authority for the Board of Selectmen to overturn this decision."

Ms. White noted that the easement would need to be signed by the applicant and recorded at the Registry of Deeds before the Town can proceed with the building permit issuance and reinstatement of the driveway permit.

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Assessing

Mr. Welch motioned to approve the Reports for Timber Cuts for Map 3, Lot 2-2; Map 2, Lot 1; Map 29, Lot 8; and Map 52, Lot 4-2. Mr. Dabrieo duly seconded. Motion carried by a 4:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - abstained.

Mr. Welch motioned to approve the Excavation Report for Map 10, Lot 12. Mr. Dabrieo duly seconded. Motion carried by a 4:0:1 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - abstained.

Action items for next meeting:

1. Review the paving bids.
2. Review the baler purchase and other existing equipment status at the Recycling Center and review the Recycling Policy.
3. Lamprey Drive

Public Comment

- William Banks, 23 Camelot Court, asked if the Town of Nottingham can petition the State government to put gravel in the deep holes that go down to the boat ramp.

Mr. Bartlett said that the Board could see what they can do about that. Mr. Morin suggested to Mr. Banks to also address this with the State Park Manager.

- Charlotte Fyfe, 85 Deerfield Road, said that there is a vacancy in the office of the State Representative and requested that the Selectboard request the Governor in Council for a special election to fill the vacancy.
- Chelli Tennis, 17 Robin Hood Drive, asked to clarify the status of other volunteers in Town (based on the earlier discussion of the Personnel Policy applying to the Fire Chief). She brought up the Food Pantry and the fact that there it has its own bylaws and whether working for the Food Pantry makes her a Town employee.

Mr. Bartlett said that the Board will refer this question to the Town Counsel for clarification.

- Mary Crockett, 5 Tremblay Drive, asked for clarification about the subdivision off Smoke Street and how much of the total acreage was attributed to wetlands.

Mr. Morin explained that this will be discussed at the Planning Board and that there will be a site walk that everyone is welcome to attend. He also explained that for open space subdivisions the regulations require an even split of buildable land between conservation portion and the developed portion, therefore, the former cannot just be all unbuildable.

The next few minutes of the meeting broke into individual conversations between the members of the public and individual selectmen that were partially inaudible.

Non-Public Session

Mr. Morin moved to enter a non-public session per 91-A:3 ii (a) at 8:39 PM, which was seconded by Mr. Dabrieo. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - aye.

Non-public session was entered at 8:39 PM

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Resumption of Public Session

The public session was entered at 9:14 PM.

Mr. Dabrieo moved to exit the public session at 9:14 PM, Mr. Morin duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - aye.

Mr. Bartlett moved to seal the non-public minutes indefinitely, Mr. Morin duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - aye.

Adjournment:

Mr. Morin moved to adjourn the meeting. Mr. Bartlett duly seconded. Mr. Dabrieo moved to exit the public session at 9:14 PM and to seal the non-public minutes indefinitely, Mr. Morin duly seconded. Motion carried by a 5:0 roll call vote. Mr. Morin – aye, Mr. Bartlett – aye, Mr. Dabrieo – aye, and Mr. Welch – aye, Mr. Shirland - aye.

The meeting adjourned at 9:14 PM.

Submitted by Alvina Snegach

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BOARD OF SELECTMEN MEETING

	NAME	ADDRESS
1.	Robert McGuigan	Hooksett, NH
2.	Teresa McGuigan	" "
3.	Stuart Fyfe	85 Deerfield Rd. Nottingham
4.	Douglas Smith	15 Smoke St Nottingham
5.	David Burke	14 Sunrise Ln
6.	Sandra Jura	215 Keenwood Dr
7.	Robin Comeau	126 Stevens Hill Rd
8.	Robin Marshall	189 Old Turnpike Rd.
9.	Brooke Schaefer	54 Lamphrey Dr.
10.	Paul Cravo	24 Lamphrey Dr
11.	Donald Roix	115 M. Hill Rd.
12.	Jonathan George	Manchester
13.	May Craklett	5 Tremblay Dr
14.	Anthony Comeau	176 Stevens Hill Rd
15.	Lorna Arcano	188 Stage Rd.
16.	Art Mac	345 stage
17.	S. W. Weston	" "
18.	Doug Cummings	348 Stage
19.	Judith Cummings	348 Stage
20.	Donna Davis	24 Brustle Rd

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BOARD OF SELECTMEN MEETING

NAME

ADDRESS

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- | | |
|------------------------|----------------------|
| 1. Charlotte Fyfe | 85 Deerfield Rd. |
| 2. Hal Rafter | 22 N. River Lake |
| 3. Pat Desrosiers | 75 Stage Rd. |
| 4. Bob Desrosiers | 75 STAGE RD |
| 5. Simon Banks | 23 GAWWLOT |
| 6. Will Banks | 23 GAWWLOT |
| 7. HERBERT CALVINO | 2 FURCAWAY SWINGS RD |
| 8. Skip Seaverns | 340 Stage Road |
| 9. Doug Dater | 30 Langray Dr |
| 10. Vicki Greene | 57 Smoke St |
| 11. Brent Tweed | 23 Fort Hill Rd |
| 12. Maureen Campbell | 5 Gervais Dr. |
| 13. Kathy Mayo | 131R Raymond Rd |
| 14. Zackary Cote | 165 Stage Rd |
| 15. Chelli Dennis | 17 Robin Hood Dr |
| 16. James & Ron Gieser | 187 MITCHELL Rd. |
| 17. Noel Markynich | 8 FRIAR TUCK |
| 18. Michael Roberts | 23 DEERFIELD Ln |
| 19. Donnie Patten | 18 Raymond Rd |
| 20. Betty Olsson | 26 Futtcher St. |

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NAME

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1. Lee & Leanne Gurt	5 Freeman Hall Rd.
2. Amanda Shirland	58 McWilliams Rd
3. Chris Abbott	36 Stage Road
4. Bonnie Winona	26 Garland Rd
5. Joan M LeBlanc	46 Gorge Rd 2011
6. Cindy Hamck	86 Gorge Rd
7. Barbara Shuppa - Rio	38 Starwood RD
8. Matt Shieland	58 McWilliams Rd
9. Emerald Reed	103 Kelkey rd
10. Cameron Reed	103 Kelkey rd.
11. Jennifer Menard	116 Raymond Rd
12. Michael Menard	116 Raymond Rd
13. Cindy Bloom	7 Dwight Rd.
14. TROY BROWN	46 JAMPA TRAIL
15. KRISTA BROWN	46 JAMPA TRAIL
16. Alan Frost	20 Grand Pit RD
17.	
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