

Nottingham Select Board Meeting

07/10/2023

APPROVED Minutes

Approved as amended on August 7, 2023.

Call to Order

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

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

Members Excused: Tim Dabrieo was excused.

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

Then Mr. Bartlett read into the record the following public statement:

“As many of you know, the Town received workplace complaints from employees of the fire department in March this year about the Fire Chief and another fire department employee. Through its attorney, the Town hired an investigator to perform an impartial review of the situation. The Board received the report and findings on June 19 and took action based upon it shortly thereafter. Unless and until the Nottingham Fire and Rescue Department members send a new individual to the Board of Selectmen for its approval and appointment as the new Fire Chief, Deputy Chief Matthew Curry will serve as the Interim Fire Chief. If you would like additional information, you may submit a Right To Know request to the Town, but this Board is not able to comment further on personnel matters.”

Approve Manifests: A/P 6/26/2023 and 7/10/2023 Payroll 6/27/2023 and 7/11/2023

Mr. Morin made a motion to approve the accounts payable manifest of 6/26/2023 and 7/10/2023 and payroll manifest of 6/27/2023 and 7/11/2023. Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

Approve public minutes 6/19/2023, 6/21/2023, and 6/26/2023 and non-public minutes 6/19/2023, 6/21/2023 and 6/26/2023

Mr. Welch and Ms. White proposed small changes to the 6/19/2023 and 6/26/2023 public minutes.

Mr. Welch made a motion to approve the public minutes for 6/19/2023 as amended according to the changes he and Ms. White proposed, and the 6/26/2023 minutes according to the changes Ms. White proposed. Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

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Mr. Welch made a motion to approve the non-public minutes for 6/19/2023, 6/21/2023 and 6/26/2023 as presented. Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

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

Mr. Morin provided an update for the Planning Board which reviewed a subdivision application off Smoke Street at its previous meeting and will have a conceptual review of a possible 25 lot subdivision off Route 156 at its next meeting.

General Business

Town Administrator Report

Ms. White spoke about the following:

Action Item 1.

Strafford Regional Planning Commission is looking for a representative to serve on the Technical Advisory Committee, as well as an alternate member.

Mr. Bartlett noted that any Town resident who is interested should contact the Board of Selectmen's office and that the committee meets every first Friday of every month.

Action Item 2.

Alarm Systems Plus has provided a quote to install a computerized/electronic lock system at the Fire Station (quote is attached to the Town Administrator's report and is for \$9,900). This is the same system in place at the Town Hall which would allow the ability to control access through a keycode/fob system. Alarm System Plus is the vendor servicing the system at the town hall as well as the camera system at the Recycling Center therefore, Ms.

White would recommend proceeding with this vendor without acquiring further quotations.

Ms. White answered questions about funds available to pay for this work, which she suggested come from the Building Expendable trust fund. She also said that the video camera quality will be much better. Ms. White requested a motion to approve this purchase as she noted that anything over \$5,000 requires three quotes; however, the BOS has the ability to waive that requirement in the purchasing policy if there is already a vendor in place, which in this case is so.

Mr. Shirland made a motion to approve the Alarm Systems Plus proposal for rekeying the Nottingham Fire and Rescue Department building for the quote of \$9,900. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

Action Item 3.

Ms. White reviewed the job opening for the Public Works Director position as well as the pool of candidates that have applied thus far. She said that she recommends a change to the position, removing the oversight of the Recycling Center from the position requirements, which would then change it to a Highway Department Director. This would bring the

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position and salary requirements in line with what is needed for primary focus. She is proposing the attached revised job description with the removal of anything inclusive of the Recycling Center oversite. Ms. White requested a motion to approve the updated job description for the Highway Department Director position.

Members discussed the position description and some aspects of it like being on call 24/7 all year round.

Mr. Welch made a motion to approve the updated job description for the Highway Department Director. Mr. Morin duly seconded and motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

FYI. Herbicide treatment in Pawtuckaway Lake was applied today to control the growth of the invasive aquatic species, milfoil. Notice has been posted to the town's website since one of the treatment areas is near the Town Beach and there are temporary water use restrictions resulting from the treatment.

Fire/Rescue – Primex approved the claim for the unreported damage to the bumper on Engine 2. Checks for both claims have been received and the management is awaiting scheduling for the repair. Ms. White is anticipating a quote to install a camera system at the Fire Station.

Police Department – Part-time Officer Samantha Lemay was sworn in on Thursday by Selectmen Bartlett and she began her training that evening.

Town Office/General – Cameras have been installed in the additional public areas including the kitchen. Ms. White will be scheduling a budget status review at the next meeting, July 17.

Recreation – Summer camp is in full swing, week three is now in progress. July is Parks and Recreation month! There is also a damaged structure on the playground and it will have to be refabricated due to the age of the equipment. Replacing the equipment altogether would be only \$6,000 over the quote for refabricating the broken part. Ms. White said that she will leave this for the next meeting so that the members have time to review the quotes.

Highway – Steve Parkinson from MRI has come on board as the interim Public Works Director two days per week until we can fill the Highway Director position. Foreman Matt Pitkin has taken a position elsewhere, and his last day was Thursday, July 6th. Two new members have been hired for the department, Scott Leduc and Dan Dionne. Roadside mowing and ditch work have been completed alongside Deerfield Road in preparation for the paving to commence, tentatively later in the month. The two trucks that are out of service are finally in for overdue repairs. Coastal will begin repair next week and McFarland this week.

Recycling Center – The credit card terminal has been installed and the Town is now accepting credit cards at the Recycling Center. There is a 2.99% processing fee passed on to the user which

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equates to less than \$1.50 on a \$50.00 tipping fee. As an internal control, Ms. White has set a date of July 13th to stop accepting cash at the facility. After that date, the Town will be accepting checks and credit cards as the only forms of payment. Notice has been posted to the town's website and at the Recycling Center.

Discussion ensued about stopping accepting cash and what the rationale was and whether it was a reasonable action. General consensus was to keep accepting cash. Ms. White said that she can update the notice to reflect that.

Action Items Review from Last Meeting

General consensus was to table the discussion about the oil tank for the Town Office building and the two conference rooms until a later meeting.

Mr. Welch asked the Board to consider forming a committee called Celebrate Nottingham which will work on organizing and raising money for celebratory events similar to what was done during the 4th of July holiday.

Mr. Welch made a motion, duly seconded by Mr. Morin, to approve forming Celebrate Nottingham Committee, which was passed by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

Assessing

Mr. Welch motioned to approve the Intents to Cut for Map 18 Lot 18, Map 48, Lots 2-1, 2-2. Mr. Morin duly seconded, and motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland - aye. Mr. Bartlett – aye, Mr. Welch – aye.

Mr. Shirland motioned to approve the Solar Exemptions for Map 4 Lot 11, Map 10, Lot 9-41, Map 19, Lot 5-1, Map 24, Lots 141-2B, Map 41, Lot 12-2, and Map 44, Lot 2-10, Map 49, Lot 4. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland – aye, Mr. Bartlett – aye, Mr. Welch – aye.

Ms. White noted that there is another item that needs to be discussed that did not make it onto the agenda and that is the Civil Forfeiture for dog licensing. She said that the Town Clerk had reported a list of outstanding names from the original list of people who needed to register their dogs or be removed from the list for valid reasons (there were about 60 people she was able to remove). Ms. White said that the letters that have been sent were helpful but there is still a number of people remaining and the suggestion is to fine them \$25 on top of the \$7 dog license fee (as allowed by RSA 466:14). The letters with the fine notice will be mailed via certified mail. She added that the deadline to sign the warrant is today.

Mr. Bartlett noted that the time is close to 7 PM, which is when the first appointment is, and suggested to return to this discussion after the appointments.

Appointments - times tentative and subject to change

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Jaye Vilchock – 7:00 PM

Jaye Vilchock, 53 Ministerial Branch Road, Bedford, introduced himself as the son of Chief Vilchock and Lieutenant Vilchock. He said that he was there to share some words of support for his parents and read a number of social media comments supporting Chief Vilchock and Lieutenant Vilchock. He then read from the Guide to Conducting Investigations by Meric Bloch about what attributes an investigation should have and compared those with the investigation conducted for his parents one by one. Mr. Vilchock stated that in his opinion there is ample evidence in the report that the investigation was not thorough or analytical due to lack of documents, lack of recorded responses from certain witnesses, lack of times, dates, places, selective use of Town personnel and Fire Department bylaws. He said that there was no explanation for who was interviewed versus who was not. Mr. Vilchock also said that complaints 2, 4, 5, and 11 all should have required expert analysis but that he did not have time to get into it right then. He also said that report offers no recommendations regarding how an employee should be disciplined as this is said to be outside of the scope of investigation. However, the investigator makes recommendations at the end of the report which are redacted. Mr. Vilchock said that only Lieutenant Vilchock waived her right to privacy, and that the report is full of redaction errors, which he noted. Then Mr. Vilchock said that the investigator decided to no longer use the witness key in the report, even though it was available and that she was quite loose with the terminology when describing witness testimony, which he also gave examples of. He also said that there seemed to be no scope of investigation as the interviews seemed to be random besides the six original individuals who complained. He opined that the deck was stacked as someone came up with a list to interview versus who not to interview with no explanation given. Mr. Vilchock also said that issues of bias and self-interest of those interviewed were not considered for a second and that the request for any revealed documents was not done. He also said that those who were interviewed were not asked whether they tried to take any steps to resolve the conflict and what these steps were. There was only who and what addressed in the report, as opposed to who, what, where, when, and how. Mr. Vilchock also asked why the investigator did not have any Public Safety background. He continued to say that basically the Town attorney hired another lawyer to create an obviously biased document which was in turn used as cause for termination.

Then Mr. Vilchock read the Fire Department bylaws and stated that acting Chief Sylvia was put in place in violation of these bylaws as they require someone who has been with the Department for at least five years. Then Mr. Vilchock continued to read the Fire Department bylaws to the members and pointing where he thought these were broken by the Town. As his time expired, Mr. Vilchock said that he will be back to address the Board in two weeks.

General Business

Ms. White spoke about the discussion that came up during the update of the Town's Hazard Mitigation Plan about lack of gasoline storage at the Smoke Street pit. She said that having access to gasoline will cut the Town's dependence on an outside provider and also make gasoline cheaper (about 40-50 cents per gallon). She said that the cost of installing a gasoline cube, similar to the already existing diesel one, would be around \$8,800. General consensus was to table the discussion

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to the next meeting so that Ms. White could provide the board with more details of the project and also provide the Board with information on where the Town stands with regards to the budget so that the Board can make an informed decision.

Review Items for Next Meeting

1. Gasoline storage tank for Smoke Street pit.
2. Budget
3. Playground equipment
4. Oil tank
5. Conference rooms
6. Rec Department
7. Water results for Frank Gonsalves
8. Kevin Bassett regarding Lamprey Drive

Then members returned to the discussion of the civil forfeiture warrant for dog licensing.

Mr. Morin made a motion per RSA 466:14 to proceed with issuance of civil forfeiture for each unlicensed dog. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland – aye, Mr. Bartlett – aye, Mr. Welch – aye.

Public Comment

- Brent Tweed, 23 Fort Hill Road, introduced himself as an active member of the Nottingham Fire Rescue Department and read in from his statement (available in the meeting packet) about his observations and experience working with Chief and Lieutenant Vilchuck, as well as issues he found with the investigator's findings that he thought did not match his experience working for the Vilchucks.
- Chris Albert, 36 Stage Road, who spoke about the 48" culvert on Berry Road that is still clogged by beavers and that it will become problematic for the road once there is more rain. He also mentioned the old telephone pole method to clean out the resulting blockage. Then he asked about the status of the new can crusher installation at the Transfer Station as he noticed it has not yet been installed. He also spoke about the oil tank installation by the Town Hall and that it is close to the North River and it may be a shoreland protection area where storage of oil is prohibited. He then said that when the Board decided to relocate the salt shed 10-15 years ago it was illegal back then.
- Bob Desrosiers, 75 Stage Road, asked why the Board would want to put a gasoline storage tank at the Smoke Street pit since the Town vehicles are purchasing fuel at private establishments that have generators for inclement weather and whether these vehicles will then use the Town owned fuel or it will just be stored there.

Mr. Bartlett explained that the intent is to use that fuel continuously, not just when there is a power outage at the private gas stations and that there will be savings for buying fuel in bulk.

Mr. Desrosiers also asked if the Town could get a refund from the Fire Department investigator as he thought that her report was not sufficient and had all kinds of holes in it, some of which he listed. He concluded by saying that Chief and Lieutenant Vilchuck were

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the disciplinary people at the Department and kept the place going. He asked now that they are gone, who is going to keep everybody straight there.

- Maureen Campiola, Gerrior Drive, wanted to raise the issue of the Board heavily relying on the previous Town Administrator and the Interim Town Administrator after and that they were not doing their job. She spoke about her own managerial experience and that in her opinion the Town Administrator should be aware that one of their Department Heads is having issues with an employee. She said that the Town Administrator should be meeting with the Department Heads at least once a month and that she is hoping that the Board will have a system in place (if not already having one) to facilitate that and that it should help the Board be better informed about what is going on in each of the Town's Departments.
- Doug Cummings, 348 Stage Road, said that he would like to give the Board the opportunity to respond to all of this.

Mr. Bartlett reiterated that the Board will not discuss personnel issues.

- Cindy Bloom, 7 Dwight Road, opined that the Board can discuss management issues and that maybe that should be on the agenda for next meeting. She also offered to volunteer to help the Town Clerk with civil forfeitures as she has experience in the field. Then Ms. Bloom said that she noticed that the fee collection is changing at the Transfer Station, to which Mr. Shirland responded that she may have missed this discussion earlier, and that the fee collection will not change and Ms. White will update the notice on the website to reflect that. Ms. White added that the only change will be that credit cards are now going to be accepted with a 2.99 percent processing fee per transaction. Ms. Bloom asked Ms. White to check if debit cards also have a processing fee.
- Bonnie Patten, 18 Raymond Road, asked if any consideration has been given to hiring a part-time Human Resources employee to make sure that all personnel matters are handled correctly.
- Brent Tweed, 23 Fort Hill Road, came back to the table to finish reading his written statement (available in the packet).
- Jaye Vilchuck, 53 Ministerial Branch Road, Bedford, also came back to the table and addressed the Board and the public with a suggestion to "check out Doug Bates' blog" where he provides the analysis of the Fire Department fiasco and the investigator's report.

Non-Public Session

Mr. Shirland moved to enter non-public session at 8:12 PM pursuant to RSA 91-A:3, II (a) and RSA 91-A:3, II (b). Seconded by Mr. Welch. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland – aye, Mr. Bartlett – aye, Mr. Welch – aye.

Non-public session was entered at 8:12 PM

Resumption of Public Session

The public session was entered at 9:13 PM.

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Mr. Morin moved to exit the public session and seal the non-public minutes at 9:13 PM, Mr. Shirland duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin – aye, Mr. Shirland – aye, Mr. Bartlett – aye, Mr. Welch – aye.

Adjournment:

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

The meeting adjourned at 9:13 PM.

Submitted by Alvina Snegach

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DATE: JULY 10 2023

BOARD OF SELECTMEN MEETING

NAME

ADDRESS

PLEASE PRINT CLEARLY!!!

- | | | |
|-----|-------------------------|------------------------------|
| 1. | Maurice Long | CAMPOLA |
| 2. | Brent Tweed | |
| 3. | Peter & Janice Dyle | |
| 4. | Sara & Celma Villanueva | |
| 5. | Robin Marshall | 189 Old Trpk. Rd, Nottingham |
| 6. | CDonech | |
| 7. | Mahmud Khan | |
| 8. | HERBERT CALVITO | |
| 9. | Bob Desrosiers | 75 Stage Rd |
| 10. | HORI SEAWERS | 340 Stage Rd |
| 11. | SKIP SEAWERS | 340 Stage Rd |
| 12. | Kathy Ciofo | 23 Little River Road |
| 13. | Bonnie Patten | 18 Raymond Rd |
| 14. | Doug Gates | 30 Campy |
| 15. | Chas Albert | 36 Stage Rd. |
| 16. | Judith Cummings | 348 Stage Rd |
| 17. | Doug | |
| 18. | | |
| 19. | Phil O'Ean | 30 Case Rd |
| 20. | Kathy Mayo | 131 R Raymond Rd |
| | Cindy Bloom | 7 Dwight Rd. |
| | Chelli Tennis | 17 Robin Hood Dr. |

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Statement Regarding Termination of Chief Vilchuck and Lt. Vilchuck

I am a current member of the Nottingham Fire-Rescue Department. I have been a member for about 3 years. The investigation report does not reflect what I have observed in those 3 years of working with the Vilchuck's. What I observed was a well organized, well run fire department. Equipment was maintained very good and procedures and protocols followed. Both Vilchuck's operated in an exceptionally professional manner. There are descriptions in the report of the Vilchuck's acting unprofessionally, rudely, and with foul language in front of patients. I witnessed no such thing and in fact it is my opinion that both would have given very stern warnings and/or disciplinary action to any individual on the department who behaved in such an unprofessional manner. I have never heard either use any language that could be deemed racially or ethnically discriminatory, homophobic, or transphobic.

I take serious issue with the quality and accuracy of the investigation report. From what I observed the chief always took the safety and maintenance of equipment and vehicles very seriously. Whenever an issue arose he immediately took action to have the equipment fixed.

The investigator has findings that the Chief had knowledge of "potentially unsafe brakes" yet the investigator never consulted an expert outside the department to validate this claim. Additionally, she doesn't appear to have looked into whether proper procedure and notifications were made by those claiming an issue with the brakes. Was the chief notified this was a safety issue? Was the issue documented in a deficiency report? Was the chief and Rockingham County Sheriff Dispatch notified prior to taking the vehicle out of service as required? The investigator puts no focus on determining whether this was an actual safety issue that was mishandled by the chief. Instead she seems to focus on perceptions. She states this incident is corroborated by 4 witnesses, but she makes no distinction between whether the witnesses observed that maintenance was required on the brakes or whether they corroborated an issue with equipment being operated in an unsafe condition. Brakes needing maintenance is not an uncommon issue to have. Like much of the report the investigator fails to do any due diligence and to determine if this was truly a safety issue or if it was just a routine maintenance issue. Additionally, like much of the report, she groups much of the so-called corroboration so it is unclear what exactly is being corroborated. According to the report, the Chief stated the brake issue "was identified and repaired upon discovery."

The investigator reports claims about lack of up to date standard operating procedures and guidelines yet she made no attempt to review these documents or consult an expert to do so. Additionally, she reports claims of lack of incident pre-planning and training

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yet she makes no attempts to validate these claims by consulting an outside expert. Any member or officer is free to make proposed changes and submit those changes to the chief for approval and/or suggest changes. There is no evidence presented to suggest that any member or officer proposed or suggested any changes. The investigator just falls back on the claim that "the Chief is not receptive to suggestions about updating and improving these procedures and guidelines" without providing any evidence or examples.

The investigator lists concerns about no schedule for routine maintenance on vehicles and when provided testimony to the contrary she makes no attempt to validate whether such a schedule in fact exists. She also lists concerns about snow chains on vehicles (an uncommon practice in this area), radios, an air compressor, and the station furnace. The investigator just appears to have compiled a list of gripes without actually determining whether or not these were just routine maintenance issues and whether or not these issues were handled properly. The investigator does not address this in her report. She makes no finding as to whether or not these issues were properly handled by the department management. Her only finding in regard to these issues are that "the issues raised... are valid and raise questions about the adequacy of communication". The fact that she lists these issues in her report without properly investigating them creates the appearance that there are numerous maintenance and equipment issues, but in fact she makes "no specific finding regarding the adequacy of the maintenance" and equipment in that section of her report.

The sections of the report about canceling mutual aid are also concerning. The investigator made no attempt to consult an outside expert and her findings amount to the incident was "most concerning" and "several individuals expressed the view" about the chief's "dislike of receiving mutual aid". These findings are not helpful at all and clearly show the investigator had no business performing this investigation without the aid of an expert in emergency services. The investigator attempts to paint the picture that the chief was averse to receiving mutual aid. In my experiences with the chief, I have seen nothing but the most professional command and control during emergency services incidents. In fact, in regard to mutual aid, he has specifically told me to call for mutual aid early and to fail conservatively by requesting potentially more help than is necessary when on your way to the scene of an incident. Then, once on scene you can make an evaluation for what help is necessary and call off any help that was called that is determined to be not needed. One incident in which mutual aid was called off was for a female pinned under a fallen tree. The report states mutual aid was requested because "more hands were needed to carry her out of the woods." According to the report, the Chief called off the mutual aid request for more help to extricate the patient once he determined "the Department itself could" handle "the matter without" the

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additional mutual aid. Again, the investigator failed to properly investigate this incident by consulting with an expert. Without consulting an expert, the investigator is in no position to make any determination as to whether or not the Chief's decision to call off mutual aid was proper.

It was also reported that the chief improperly called off mutual aid on an incident that involved an individual trapped in a well. It is stated the chief called off a specialty rescue team when he was not on scene. From my experience working with the Chief, he would not have called off mutual aid for a specialty rescue team until he had made a proper determination that they were no longer required. It would take quite the stretch of the imagination for me to believe otherwise. Again, the investigator has failed to properly investigate this incident and failed to consult an expert. It should be noted that the investigator listed no findings in regard to this issue.

Another example given of the chief's "problematic" command and control is in regards to a wildland fire at Pawtuckaway State Park. This was a several day event, and I spent at least one day helping to fight this fire. I witnessed no command and control issues while I was fighting this fire. The specific issue in regard to the incident concerns the chief having personnel "wait at the station" and that this was "inappropriate....as it may have delayed response and caused more property damage". This is yet another example of the investigator failing to conduct a proper investigation. It is common with incidents of this nature to have personnel stage at the station or other locations until more information about an incident is known. Because Pawtuckaway State Park is so big and there are multiple entrances it may actually cause a delay in response if personnel respond to the wrong location or park entrance. It can take upwards of 45 minutes to get from one point in the park to another. If the personnel had responded to the park and gone to an incorrect location this could have in fact delayed response to the fire. Again, it would be necessary for the investigator to consult with an expert in order to make any determinations in regard to this incident. And again, in her findings section, she lists no findings for this incident.

Most of the rest of the report have the same issues I have just discussed. The investigator sums up a bunch of complaints and fails to adequately list the rebuttal of the Vilchok's and the investigator fails to consult an expert in emergency services. In the findings section, she often makes no finding in regard to some of the serious claims, neglecting to conduct a thorough investigation. She combines the investigation of Chief Vilchok and Lt Vilchok, in my opinion, to create the appearance of a more convincing case than if she wrote a separate report for each person. Often she combines a number of complaints together and then is able to state the "issue" has been corroborated by more people. In one example, she lists 2 people as corroborating an

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incident because they heard the chief call off mutual aid over the radio. In another section she combines the complaints about criticisms of other employees and inappropriate communications so that no determination can be made about corroboration of some of the more serious accusations. She fails to adequately deal with the credibility of any of the witnesses, especially regarding some of the more serious accusations, even though the report makes clear there are credibility issues in regards to the behavior and insubordination of some individuals. The report lists several examples of insubordination and the testimony of one officer who stated some individuals were "troublemakers" and "refused to complete simple tasks such as cleaning...and laundry". An officer also testifies that individuals made racially insensitive remarks. The Chief testifies that one individual "falsified" a medical report. She fails to determine what actions were taken to document and relay concerns up the chain of command and if this wasn't done why wasn't it done. She continually falls back on the "chief wasn't receptive" without providing any evidence or examples. I always found the Chief to be receptive. I could walk into his office anytime and talk with him which I did on a number of occasions. Never once did I feel uncomfortable speaking with the Chief or bringing up any issues or problems and the Chief was always professional and treated me with the upmost respect. Additionally, the investigator often fails to obtain documentary evidence or follow up by interviewing additional witnesses that could have corroborated the complaints.

When I read this investigation report, it almost seems I must be reading a report about another department because it is not an accurate description of the department I have been volunteering at the past 3 years. The report conclusion states "The Nottingham Fire-Rescue Department is currently in a state of dysfunction with extremely low morale". Now that the investigation is over and the Chief and Lt Vilchuck have been terminated I would have to agree with that conclusion.

V/r, Brent Tweed

