

## Nottingham Select Board Meeting

09/11/2023

### APPROVED Minutes

**Approved as amended on September 18, 2023**

#### Call to Order

**Members present:** Ben Bartlett, John Morin, Tim Dabrieo, and Steve Welch.

**Others:** Town Administrator Ellen White.

**Members of the public:** Jay Vilchok. Also please refer to the signup sheet at the end of this document.

**Members Excused:** Matthew Shirland.

Mr. Bartlett opened the meeting at 6:30 PM with the Pledge of Allegiance. He then asked everyone to join him for a moment of silence to remember all those who died on September 11, 2001 and in the military conflicts overseas since then.

#### **Approve Manifests: A/P 9/05/2023 and Payroll 09/05/2023**

*Mr. Welch made a motion to approve the accounts payable manifest of 9/05/2023 and payroll manifest of 09/05/2023. Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin, Mr. Dabrieo – aye, , Mr. Welch – aye.*

#### **Approve public minutes 8/21/2023**

Mr. Dabrieo noted that there were corrections to the 08/21/2023 draft minutes and went over them.

*Mr. Dabrieo made a motion to approve the public minutes for 08/21/20023 as amended. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin, Mr. Dabrieo – aye, Mr. Welch – aye.*

#### **Approve non-public minutes 8/21/2023**

*Mr. Welch made a motion to approve the non-public minutes for 08/21/2023 as presented. Mr. Morin duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin, Mr. Dabrieo – aye, , Mr. Welch – aye.*

#### **BOS Reports from Assigned Boards/Committees**

##### **Budget, Planning Board, CIP, Marston**

Mr. Morin asked the Board if they would like to make a decision on whether the Capital Improvements Plan (CIP) should still be reviewed and updated by the Selectmen each year or be given to the Planning Board as falls more under the latter's purview. There was discussion about how it came to be that the Nottingham BOS took over reviewing and updating the CIP. After a long back and forth, Mr. Bartlett polled the members present at the meeting and general consensus was that the BOS should still update the CIP going forward.

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Mr. Morin provided an update for the Planning Board, which discussed the CIP update responsibility, the fees charged to developers, which Mr. Morin thought were on the lower side and not comparable to the neighboring towns. He said that he will forward the fee document to the rest of the Board so that it could be reviewed. Mr. Morin said that the Planning Board also discussed impact fees (Nottingham currently collects impact fees for school, fire, recreation, and police). Another discussion was about the fact that Nottingham keeps growing despite the fact that interest rates are high as well as real estate prices. Mr. Morin said that Planning Board also discussed the fact that Nottingham has tight regulations for Accessory Dwelling Units (ADU's) which are one way to provide affordable housing and whether those regulations need to be loosened up.

Mr. Welch said that he did not attend the latest Budget Committee Meeting but he believes that they were setting up dates for future meetings. Ms. White added that the committee discussed Rules of Procedure, discussed school adequacy grant acceptance and the process related to that, which will require a public hearing. She said that the budget season calendar should be posted online soon.

Mr. Dabrieo provided an update on the Marston Property Committee that is working on finishing the dugouts project and said that the dugouts are being built.

### **General Business**

#### **Town Administrator Report**

Ms. White spoke about the following:

- The current contract with Waste Management for MSW transportation and disposal is due to expire in December this year. Per the contract, upon mutual consent of the parties, the agreement may be extended for one additional period of 5 years subject to mutually agreeable pricing terms. In lieu of putting out a request for proposals before the contract expiration, Ms. White said that she recommends the Board enter into a contract extension with Waste Management. She also asked the Board if they would like to review this before the discussion, it could be postponed until the next meeting. Everyone agreed.
- Northeast Resource Recovery Association has provided an assessment from their facility review conducted at the Recycling Center back in July, a copy of which has been supplied in the members' packets.
- The new backhoe and attachments were delivered to the Recycling Center on Thursday. The plow and sander for the Recycling Center's F-350 are prepped and ready for winter weather. Ms. White added that the yard at the Recycling Center will now be plowed by the staff there as opposed to the Highway Department.
- Subcontractors for winter road maintenance have been contacted with a request for their available equipment and rates.
- John Fernald is assisting with grading roads throughout the town over the next two weeks.

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- Roadside mowing is underway - Freeman Hall Road was started last week and other roads to be addressed include Ledge Farm, Poor Farm, Gerrish, Stevens Hill, and Kennard Rd. Ms. White added that this is the final year of the Japanese Knotweed management program and it will be addressed as well.
- Ms. White met with Jeff Twarog from R&D Paving on Tuesday and paving will commence later this week, weather dependent.
- Northern Tree Service is providing tree cutting for Eversource. All white pines along the Town Hall parking lot are scheduled for removal as early as this week. The lower parking lot will be closed off while the trees are being removed and should not impact the school bus pickup or drop off.
- The gasoline fuel cube is scheduled for installation at the Smoke Street Pit on Tuesday, 9/12/2023.
- One of the two AC condensers at the Fire Station malfunctioned and melted internal parts compromising the unit, the second unit is working extra to compensate. The cost of repair came in at \$4,850. Ms. White asked whether the members wanted this repair to come from the Building Maintenance Capital Reserve Fund? Estimated balance in the fund is \$15,000.

After a brief discussion, Ms. White said that she could try and work it into the operating budget and as it gets closer to the end of the year, it could be better determined if the fund balance needs to be tapped into.

- The General Election is scheduled for next Tuesday, 9/19/2023. The setup will take place on Monday, 9/18/2023.
- Stanchions, plaque, and flags have been ordered for the placement of the POW/MIA chair of honor in the Town Clerk's Office. Ms. White said that she would like to schedule a dedication ceremony sometime in October and asked whether the Board would want to do it during a regular meeting or have a separate one just for that.

Members briefly discussed and settled on having it at a separate meeting. Ms. White will reach out to them individually to set up a date.

- Email requests received from Sandra Vilchuck dated 9/8/2023 to unseal the minutes of the 2/27/2023, 3/20/2023 & 3/23/2023 non-public sessions. She said that per RSA 91-A:3, III - minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself... Minutes can only be withheld from the public as long as the circumstances that led to the vote still exist. Once those circumstances no longer exist, there is an obligation to unseal the minutes. The determination of whether circumstances still justify keeping the minutes sealed should be made by vote of the board, rather than by administrative staff. Ms. White added that there is a House Bill that passed that will require a review of non-public minutes eventually which is becoming effective in October.

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Discussion ensued about whether the minutes of the non-public sessions that pertain to the Fire Department investigation should remain sealed and there was general consensus that they should.

- General correspondence:
  - Jaye Vilchoc emails of 8/23/2023 (x3), 8/24/2023, 8/28/2023, 8/30/2023, 9/5/2023 (x2)
  - Ben Bartlett response
  - Sandra Vilchoc emails to request NPS minutes to be unsealed (2/27/2023, 3/20/2023, 3/23/2023)

### Action items review from last meeting.

#### 1. Marston Property renaming poll

Ms. White said that there will be a renaming poll on the website where people can go on and they can cast their vote for what they would like to see if any renaming of the Marston Recreation Area.

### Assessing

*Mr. Welch motioned to approve the Timber Yield tax abatement for Map 15 Lot 1-7. Mr. Dabrieo duly seconded, and motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Welch – aye.*

*Mr. Morin motioned to approve the LUCT abatement for Map 6 Lot 16. Mr. Dabrieo duly seconded, and motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Welch – aye.*

Mr. Morin noted that AVITAR was still setting up appointments with people to discuss their new assessed values.

Members also reviewed and signed the MS-1 form that was in their packet.

### General Business

#### A. Dry Hydrant RFP Kennard Road

Members reviewed the submitted bids. One was for \$15,000 and the other one was for \$10,750. General agreement was to table the item until next BOS meeting which is next week.

#### B. Emergency Management Director

Ms. White noted that currently Chief Fawn Woodman is the Town acting Emergency Management Director and that she is willing to assume the responsibility should the Board choose to appoint her.

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*After a brief discussion, Mr. Welch made a motion to appoint Chief Fawn Woodman as the Nottingham Emergency Management Director. Mr. Dabrieo duly seconded, and motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Welch – aye.*

#### **C. Department Liaison Assignments**

Item was tabled until the meeting of the Board next week.

#### **D. Policies Review**

After Mr. Bartlett noted that this will be work in progress, Ms. White said that the highest priority should be given to updating the Personnel Policy.

#### **Action items for the next meeting.**

- 1. Marston Property renaming poll**
- 2. Kevin Basset**
- 3. Policy review**
- 4. Assigning a Board member to each department as a liaison**

#### **Public Comment**

Skip Seaverns, 340 Stage Road, asked whether there was a formal procedure to invite employees to the BOS meetings either public or non-public. After some clarifying questions from the Board, Mr. Seaverns said that he is trying to figure out how an employee could make it to a non-public session in order to register a complaint against an individual. He explained that according to his understanding of the Personnel Policy, employees are supposed to go through the chain of command which eventually leads to the Town Administrator, who then goes to the Board and explains to them what the problem is. Mr. Seaverns said that it appears that in the case with the Fire Chief, someone invited six fire fighters to a non-public session of the Board and asked what the procedures were that allowed this to happen.

Ms. White, having received approval from the Board to respond, said that it would depend on the nature of the requests or allegations which determines how each issue will be handled.

Mr. Seaverns said that it seems to him that there was more going on than the first identification of a problem associated with the timeline set in the town statement.

Mr. Bartlett noted that Mr. Seavern's time was up.

Jay Vilchuck asked why there was a problem with unsealing the minutes of the non-public session as the problem had already been resolved since the employees have been terminated.

There was a brief back and forth between Mr. Bartlett and Mr. Vilchuck on whether termination of the employees indeed meant that the process was over.

Mr. Vilchuck asked whether Ellen White, who is a Town Administrator in Stratford, was the same Ellen White who is the Town Administrator in Nottingham, and Ms. White responded that she was not.

Mr. Vilchuck asked whether anyone has ever been denied by this Board to be put on the agenda, as he has requested several times in the past three months and he had been denied.

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Mr. Bartlett said that he could not speak for the previous boards, but that Mr. Vilchok was denied by this one because he was coming with the same thing over and over, and that the Board has plenty of Town related business to work on.

Mr. Vilchok said that in January 2023 there were six officers in the Nottingham Fire Rescue Department and asked how many are there today. Ms. White responded that there were four, and then corrected herself and said that there were five. Mr. Vilchok rebutted that the one she added was gone and that there are only two officers now and there is no Chief and there are no lieutenants. He then spoke about his dad's legacy in building that Fire Department, and that the new building down the road would not have been there if not for his dad. Mr. Vilchok also said that the Board never sat down with his dad face to face and talked after the complaint but instead kicked it to the investigator. He also alleged that none of the Selectmen read the investigation report. Mr. Welch said that they read the report.

### Non-Public Session

*Mr. Morin moved to enter non-public session at 7:23 PM pursuant to RSA 91-A:3, II (a) Seconded by Mr. Welch. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.*

Non-public session was entered at 7:23 PM

### Resumption of Public Session

The public session was entered at 8:58 PM.

*Mr. Morin moved to exit the public session at 8:58 PM, Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.*

*Mr. Morin moved to seal the non-public minutes; Mr. Dabrieo duly seconded. Motion carried by a 4:0 roll call vote. Mr. Bartlett – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.*

### Adjournment:

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

The meeting adjourned at 8:58 PM.

Submitted by Alvina Snegach

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DATE: 9/11/23

BOARD OF SELECTMEN MEETING

NAME

ADDRESS

PLEASE PRINT CLEARLY!!!

- |     |               |                    |
|-----|---------------|--------------------|
| 1.  | Skip Seaverns | 340 Stage Road     |
| 2.  | Doug Sater    | 30 Long Dr         |
| 3.  | Jen Phillips  | 17 Rocky Hill Rd.  |
| 4.  | Debbie Ricker | 83 Stevens Hill Rd |
| 5.  |               |                    |
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