

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

**Approved as amended on October 2, 2023.**

#### **Call to Order**

**Members present:**, John Morin, Tim Dabrieo, Matthew Shirland, and Steve Welch.  
Others: Town Administrator Ellen White.

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

**Members Excused:** Ben Bartlett.

#### **Approve Manifests: A/P 9/18/2023 and Payroll 09/19/2023**

*Mr. Dabrieo made a motion to approve the accounts payable manifest of 9/18/2023 and payroll manifest of 09/19/2023. Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Shirland - aye, Mr. Welch – aye.*

#### **Approve public minutes 09/11/2023**

Mr. Welch noted that there were corrections to the 09/11/2023 draft minutes and Mr. Dabrieo noted one more.

*Mr. Welch made a motion to approve the public minutes for 09/11/2023 as amended. Mr. Dabrieo duly seconded. Motion carried by a 3:0:1 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye. Mr. Shirland abstained.*

#### **Approve non-public minutes 09/11/2023**

*Mr. Welch made a motion to approve the non-public minutes for 09/11/2023 as presented. Mr. Morin duly seconded Mr. Dabrieo duly seconded. Motion carried by a 3:0:1 roll call vote. Mr. Morin - aye, Mr. Dabrieo – aye, Mr. Welch – aye. Mr. Shirland abstained.*

Mr. Morin noted that there was a letter received from Cindy Bloom about corrections to the 07/17/2023 minutes. After a short discussion it was agreed that this letter would be included in the minutes of this meeting since the 07/17/2023 minutes have already been approved.

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

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

Mr. Welch said that the Budget Committee will meet on September 28<sup>th</sup>.

Mr. Dabrieo said that Capital Improvements Committee is still trying to schedule its first meeting and he is hoping it will take place in October. Mr. Morin invited residents to volunteer to the committee.

Mr. Morin provided an update for the Planning Board. He said there was a conceptual presented for a 20 lot residential development off Route 156.

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

#### General Business

##### Town Administrator Report

Ms. White spoke about the following:

- The Recreation Department is seeking permission to have a vendor on site serving alcohol for the Halloween activities scheduled for October 21. Some key points provided from Rec for consideration are as follows:
  - It is our goal to make our seasonal events fun for all ages, not just families
  - Other communities do beer and chili festivals and things like that.
  - We don't have to pay them an overhead fee, they are just going to charge the customer (that is not normal). This will not add any income to the department as this event is funded by the general fund.
  - We have communicated with our PD
  - This is a new idea, if it is not liked, we won't do it again.
  - There is already a Town ordinance No. 89-001 in place regulating the use of alcohol on Town property which Ms. White included for reference.

Ms. White answered Mr. Dabrieo's question about whether this has been discussed with the Police Department in the affirmative.

Kortney Duball and Bridget Hart of the Recreation Department were present to answer questions from the Board as well. They spoke about their intent to draw in more younger people to a Town event by offering a controlled beer garden besides the regular Halloween festivities. They answered questions about the rules for the event, other activities, plans for providing food at the event, checking identification, keeping order, etc. The Nottingham Chief of Police Fawn Woodman was also present and also spoke in favor of the idea. She also answered questions from the board about her expectations which she said that this would be a one time exception from the ordinance to try this out and that she is not worried about people causing much trouble.

Discussion ensued among the members about the beer garden and whether it should be allowed and after a brief back and forth members agreed to take a vote to see if giving the idea a try will pass. *Mr. Dabrieo made a motion to make a one time exception to the Town of Nottingham Ordinance No. 89-001 prohibiting alcohol on Town property for the Recreation Department's Trunk or Treat event at the Halloween Festival on October 21, 2023. Mr. Welch duly seconded and motion passed with a 3:1 vote. Mr. Morin - nay, Mr. Dabrieo - aye, Mr. Welch - aye. Mr. Shirland - aye.*

- It has been brought to the department's attention that there have been some concerns related to the Town beach and its access. The property and road used to access the Town beach is privately owned and the landowners have granted permission for the Town to use it. Without permission, the beach is otherwise inaccessible by land since it is land locked. The Town beach is open from Memorial Day to Labor Day, and the access gate is closed outside of those dates. The department is working with the property owners to update the signage as they

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

would prefer that there is no parking blocking the gate. Mr. Shirland reiterated that the gate is closed and there is no trespassing (either driving or walking) between Labor Day and Memorial Day when the beach is closed. He added that if the beach access is revoked because of trespassing outside of the allowed window, the Town beach will only be accessible via water.

- The trees were removed from the front of the town office last Tuesday and Wednesday. The wood left behind was offered to residents and all was cleaned up and removed by the end of day last Thursday. Ms. White is in the process of receiving quotes for a stump grinder to come in and remove the stumps in preparation for trees to be replanted. A suggestion has been made to plant four sugar maples in honor of the four Generals.
- Ms. White said that there is a memorandum in the TA report from the Recreation Department Director about renting out municipal building for private functions which was recommended against by the Interim Town Administrator John Scruton. Ms. White said that it would be up to the Board if they would like to reinstate that practice.
- The election is tomorrow, September 19<sup>th</sup> from 7 AM to 7 PM and everything is ready thanks to many volunteers who stepped up.

### Action Items Review From Last Meeting

#### a) Dry Hydrant RFP Kennard Road

Members reviewed the two bids that have been received and discussed the differences in the work and materials quoted given the difference in pricing and the fact that the cheaper proposal does not provide materials and trucking.

Mr. Shirland made a motion to accept the Farrell Contracting Services LLC proposal for the replacement of the dry hydrant on Kennard Road bid for \$15,000. Mr. Dabrieo duly seconded. *Mr. Welch duly seconded and motion passed with a 4:0 vote. Mr. Morin - aye, Mr. Dabrieo - aye, Mr. Welch - aye, Mr. Shirland - aye.*

#### b) Marston Property renaming poll

Ms. White said that her office is working on posting the poll on the website.

### Assessing

*Mr. Welch motioned to approve the Land Use Change tax for Map 63 Lot 86. Mr. Shirland duly seconded, and motion carried by a 4:0 roll call vote. Mr. Morin - aye, Mr. Dabrieo - aye, Mr. Dabrieo - aye, Mr. Welch - aye.*

### General Business

#### A. Waste Management Contract Extension

Members reviewed and discussed the contract extension and fact that there are not that many providers to choose from. After some back and forth between the members, *Mr. Welch made a motion to approve the renewal of the contract with Waste Management. Mr. Dabrieo duly*

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

*seconded and motion passed by a 3:0:1 roll call vote. Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Welch – aye. Mr. Shirland abstained.*

#### **Appointments:**

#### **7:00 Facilities Assessment Committee (FAC) Report**

Mr. Morin introduced the Committee members and provided a brief background of why there were presenting the report to the Board and also thanked them for all the work they have done reviewing each facility the Town owns.

Gary Anderson introduced the other members of the committee present: Charlotte Fyfe, Paul Dallaire, and Eric Danis. He also noted Barbara Draper who could not attend the meeting. He asked each member to speak about their own perspective before diving into the report itself.

Ms. Fyfe spoke about the level of various expertise each member of the committee has and her own view of the review process. She also noted that she would like to propose a change to page 11 of the report, after speaking to the Recreation Department staff, to ‘that the Recreation Department would like to move to this room (where the meeting currently is being held), which would allow the department to have its own bathroom and dedicated space that is somewhat separate from all the other activities in the building’. Ms. Fyfe also talked about the patchwork approach to maintenance that is not cost savvy and lack of a staged plan which should be helpful in saving taxpayer money. She noted that \$40,000 was allocated by the last Town Meeting towards future maintenance and she felt like there should be a position (under the Highway Department) dedicated to maintaining the Town facilities, whether it is full or part time. She also noted the back of the Town Hall building that needs to be restricted for entry in its current state to anyone until it has been fixed. In conclusion, Ms. Fyfe reiterated that the Town needs to come up with a plan for maintenance in order to better budget for it and show more economy and consolidation in the future.

Mr. Danis seconded Ms. Fyfe’s point about the level of expertise that the committee has and said that he would hate to see all their work go to waste. He spoke about the need to come up with a plan and to prioritize. Mr. Danis provided some examples of “low hanging fruit” when it comes to maintenance, which could be very effective and done quick. He also spoke about the fact that all the things in the report somehow tie into one another and that the report provides those details. He also said that deficient facilities make it even more difficult to hire staff and asked the Board to take the report seriously and put together a plan.

Mr. Dallaire spoke about the overarching theme that the committee discovered while interviewing the departments and that is that there is really no central point of contact when it comes to the Town facilities. He said that it is detrimental to any project management, as there is lack of documentation, record keeping, signage, planning, etc. when it comes to maintenance and being economical.

Mr. Anderson agreed with Mr. Dallaire in that there needs to be someone who can centrally coordinate Town facilities’ maintenance and have the background to also take part in smaller projects. Mr. Anderson also spoke about the recent report about the operations of the Recycling Center and noted that all the good things in it mostly referred to the operation side of it, and not to the facility itself or how safe it is. Then Mr. Anderson spoke about the need to be proactive and

## **Nottingham Select Board Meeting**

**09/18/2023**

### **APPROVED Minutes**

have a plan for maintenance and set the priorities. He also noted the Police Station and its proximity to the Recreation Department and other buildings which is not quite safe.

Mr. Anderson commended the Board for their plans for the conference room and said that he is willing to offer his assistance if the Board needs it in the future. He also thanked that Board for giving the committee the opportunity to review the Town facilities and to report back.

Discussion ensued about the funds allocated by two Warrant Articles at the last Town Meeting: one for \$90,000 to be put into CIP for projects related to various fixing projects, and \$40,000 to hire a maintenance company. The latter has not been spent as the Board was expecting the FAC report to see which priorities need to be set and start from there. There was a suggestion made to approach it in a tiered way, where things are identified by when they need to be done and that a facilities person could be the one coming up with a schedule to present to the Board, which then can start planning fund allocations to those projects.

Another discussion was about the qualifications of a facilities maintenance coordinator and how realistic hiring someone for this position is.

Also noted was that there is possibly money available for the restoration of historic Town facilities, such as the Fire Station and the Grange Building and that with some help from a grant researcher those funds may be obtained.

The Board thanked the FAC members for their work. Ms. White said that the report will be posted on the website tomorrow.

Members then had a short discussion about where to begin prioritizing and how to approach it. Ms. White noted that the cleaning company City Wide Solutions that was recently hired indicated that they can also tackle various projects (from buffing the floors to remodeling/rebuilding) and said that maybe the Town could bring them in for some of the projects that are identified and use the \$40,000 allocated to future maintenance.

Members also agreed that discussing the FAC report and further course of action will require a separate workshop. FAC members agreed to participate in that workshop as well. The date of the workshop will be determined later on.

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

#### **1. Marston Property renaming poll**

- 1. Kevin Basset**
- 2. Policy review** – needs a separate workshop to be scheduled.
- 3. Assigning a Board member to each department as a liaison**

### **Public Comment**

Jay Vilchok listed the following from the Statement from the Nottingham Board of Selectmen about the complaint investigation:

- Town of Nottingham Board of Selectmen and Admin received workplace complaints from employees in March about the Fire Chief and another employee;
- Nottingham Board of Selectmen and Admin had received numerous workplace complaints from employees and families, 37 individuals signed a document attesting to it about the Director of

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

Public Works assaulting another employee. Only one Selectman even acknowledged these complaints and nothing was done.

- Director of Public Works got a big raise and a new pickup truck.

- On August 23<sup>rd</sup> there was, at approximately 8:30 AM, a concerned citizen from Nottingham who reported and photographed the Nottingham Fire Rescue utility truck speeding dangerously, faster traffic speeds over 75 miles an hour on Route 16 in Rochester. This information and photos were passed along to the Town Administrator and the Selectmen and there has not been anything back in regards to that.

- Another complaint was sent along on August 16<sup>th</sup> in an email with a screenshot of a post flagged for hate speech that was sent to the Selectmen and Ellen White, and CC'd to Kelly Dallaire. This employee

said the following: "It sucks in this day and age, we can't just fight because I would kick your ass in two minutes flat." Mr. Vilchock has not heard about any follow-up on that complaint that was submitted to the Selectboard.

- there were also complaints submitted by the former Fire Chief that went unresolved and Mr. Vilchock never heard anything back about any of them.

- Back to the timeline, the Town Attorney hired an investigator to perform an impartial review of the situation;

- there is an email from March 20<sup>th</sup> that says: "this is John Scruton asking if you have staff that could do a Fire Chief investigation for disciplinary action?". The person replied: "Yes, we do them all the time. Usually starts with a phone call so I can understand the situation and assign the right person." Mr. Vilchock said that in the official timeline it says that it was through the attorney that was hired, but that email said Scruton is looking for it. He said that he did not know if that was the official as he has not seen the record yet on how the investigator was chosen or hired.

- In the timeline March 20<sup>th</sup> - initial complaints were received in a non-public session. There are numerous emails from before March 20<sup>th</sup> of people communicating about the Fire Department and situation. There is one on March 19<sup>th</sup> from John Scruton. Email is redacted: "I'm just going to finish this, all set to hand over the reins in Nottingham to Ellen playing in week one overlap... communicating with Alan from MRI... couple of things fall apart, might be a challenge for Alan to compound things... two new Selectmen will join the board in a couple weeks... Monday night will be a non-public on a vexing Fire Personnel issue because of widespread dissatisfaction and another Nottingham Department, one DPW worker was fired last week and we probably will then on public correct..." Mr. Morin asked if these were the non-public minutes. Mr. Vilchock said that these were not the minutes but emails from John Scruton from the Right-to-Know request that were released on the 8<sup>th</sup>. He said that he is reading them into the record for the public to know. He also said that what he is reading kind of conflicts with the timeline released by the Board. Mr. Morin said that Mr. Vilchock's three minutes were up and allowed him another minute. Mr. Vilchock continued to read: "...a third, the best employee in the department, loved by everyone, has given notice, will be leaving for plow season. Some Board members would like two DPW workers gone, there are eight DPW positions in, including the Director, Board remains supportive of DPW Director, in parentheses, gave him a raise two weeks ago, one of the best contract plowers you know..."

## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

Mr. Vilchock was reminded that his extended time was also up. He said that the Board should also have seen all these emails and should probably take a good look at them.

### Non-Public Session

*Mr. Shirland moved to enter non-public session at 7:57 PM pursuant to RSA 91-A:3, II (b) Seconded by Mr. Dabrieo. Motion carried by a 4:0 roll call vote. Mr. Shirland – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.*

Non-public session was entered at 7:57 PM

### Resumption of Public Session

The public session was entered at 9:22 PM.

*Mr. Shirland moved to exit the public session at 9:22 PM, Mr. Welch duly seconded. Motion carried by a 4:0 roll call vote. Mr. Shirland – 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. Shirland – 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. Shirland – aye, Mr. Dabrieo – aye, Mr. Welch – aye, Mr. Morin - aye.*

The meeting adjourned at 9:22 PM.

Submitted by Alvina Snegach

Nottingham Select Board Meeting

09/18/2023

APPROVED Minutes

DATE: 9/18/23

BOARD OF SELECTMEN MEETING

	NAME PLEASE PRINT CLEARLY!!!	ADDRESS
1.	Fawn M. Woodman	19 Shawmy Lane Notingham
2.	Gary Anderson	50 Glen Rd.
3.	James W. Johnson	39 Mooers (RC)
4.	Bridget Hunt	
5.	Kortney Duball	
6.	Paul Dallaire	47 STEVENS HILL RD
7.	Skip Seaverns	340 Hope Road
8.	Charlotte M. Fyfe	85 Deerfield Rd.
9.	Eric Dams	24 Brattle Rd.
10.	THE NOTTINGHAM SELECTMEN	
11.	SHOULD RESIGN	
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

PLEASE PRINT CLEARLY!!!



## Nottingham Select Board Meeting

09/18/2023

### APPROVED Minutes

September 11, 2023

Ellen N. White, Nottingham Town Administrator  
Town of Nottingham  
139 Stage Road  
Nottingham, NH 03290

Re: Correction of Statement at the July 17, 2023 Select Board Meeting

Dear Ms. White

Please correct the statements attributed to me on the July 17, 2023 Select Board meeting. On August 7, 2023 I provided your office a paper with the correction of the statements attributed to me during the July 17, 2023 Select Board meeting. In that correction, I specifically noted that I did not urge the Board to approve the Police Department's request for equipment funding. This correction was discussed at the August 7, 2023 Select Board Meeting. The now approved July 17, 2023 Select Board minutes again erroneously state I "urged the Board to approve" the request.

To be clear about what I was trying to communicate, a previously grant-eligible purchase made by the police department failed to meet timely filing requirements to obtain grant funds for that purchase. At the July 17 meeting, I was asking the Board to provide oversight to assure this upcoming grant request is submitted in a timely manner. Contrary to what the erroneous statements in the minutes imply, I am not thrilled about funding the amount of approximately \$7000 per year (per year is what the minutes state, is that right?) for the police department in a town of 5000 residents, and I have questions about how that video/audio information will be collected, maintained, controlled and used, but during the meeting I chose to keep those concerns to myself.

From the July 17 recording of the Select Board meeting (about 26 minutes into the meeting) it is clear that I said:

"I know previously the police department had thought they were going to get funding for some equipment. They didn't get their request in in a timely manner and they didn't get the funding. So I just want to say, make sure they get their [funding] request in in a timely manner if you are going to forward thinking it's only half the cost... because that was a problem previously."

I did not urge anybody to grant funding, and in fact a board member clarified that I was referring to the grant request. I again request that the minutes be corrected as previously requested (provided below), or at least be replaced with the quote above.

Sincerely,



Cindy Bloom  
7 Dwight Road  
Nottingham, NH 03290