

Nottingham Selectboard Meeting

04/15/2024

Selectmen Meeting Minutes

Call to Order

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

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

Members Excused: Steve Welch

The meeting began with the Pledge of Allegiance.

Approve Manifests: A/P 4/17/2024 and Payroll 4/18/2024

Mr. Shirland made a motion to approve the manifests for A/P 4/17/2024 and Payroll 4/18/2024. Mr. Dabrieo duly seconded, and motion carried with a 4:0 roll call vote in favor. Mr. Decker – aye; Mr. Morin -aye; Mr. Dabrieo - aye; Mr. Shirland – aye.

Approve Minutes: Public 3/4/2024, 3/20/2024, 3/27/2024 and 4/1/2024; and Non-Public 3/4/2024, 3/27/2024 and 4/1/2024

Mr. Shirland made a motion to approve the 3/4/2024 minutes as written. Mr. Dabrieo duly seconded, and motion carried with a 3:0:1 roll call vote: Mr. Decker abstained; Mr. Morin - aye; Mr. Dabrieo - aye, Mr. Shirland – aye.

Mr. Shirland made a motion to approve the 3/20/2024 work session minutes as written. Mr. Decker duly seconded, and motion carried with a 4:0 roll call vote: Mr. Decker – aye; Mr. Morin - aye; Mr. Dabrieo - aye, Mr. Shirland – aye.

Mr. Shirland made a motion to approve the 3/27/2024 work session minutes as written. Mr. Decker duly seconded, and motion carried with a 4:0 roll call vote: Mr. Decker – aye; Mr. Morin - aye; Mr. Dabrieo - aye, Mr. Shirland – aye.

Mr. Decker commented that the third paragraph in the 3/27/2024 non-public session minutes should be amended to identify John “Morin” since there are now two John’s on the Selectboard. Mr. Shirland made a motion to approve the 3/27/2024 non-public session minutes as amended. Mr. Decker duly seconded, and motion carried with a 4:0 roll call vote: Mr. Decker – aye; Mr. Morin - aye; Mr. Dabrieo - aye, Mr. Shirland – aye.

Mr. Dabrieo commented that there appears to be missing information around line 296-297 of the 4/1/2024 meeting minutes. Ms. White added that some of the lines following line 297 were duplicated forward from the 3/18/2024 meeting so a review of the recording may be necessary to insert missing information. The Board agreed to table the minutes.

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Mr. Shirland made a motion to approve the 4/1/2024 non-public session minutes as written. Mr. Decker duly seconded, and motion carried with a 3-0-1 vote: Mr. Decker – aye; Mr. Morin abstained; Mr. Dabrieo – aye; Mr. Shirland – aye.

BOS Reports from Assigned Boards/Committees/Departments: Budget, Planning Board, CIP; Highway, Recreation, Recycling, Fire

- Mr. Morin reported the Planning Board met last Wednesday with another meeting this Wednesday. Last meeting was on voluntary lot mergers near North River Lake; another case on Pawtuckaway Lake for a boundary line adjustment making a non-conforming lot larger. This week's meeting will be a work session to review impact fees, planning a formation of a committee to begin work on the Master Plan update, and bring new members up to speed on learning. Many new developments are underway including one on Smoke Street and another on 156. All vacancies on the Planning Board have been filled.
- Mr. Dabrieo announced the Budget Committee will be holding its formation meeting this Thursday. There is still an open seat remaining on the Budget Committee. Mr. Morin will be representing the Selectboard in the absence of Mr. Dabrieo.
- Mr. Dabrieo reported two of the dugouts have been completed at Marston and they hope to have them complete by the first weekend of May. The benches will be put in the dugouts around the same time. He also spoke on the condition of Foss Fields which will require more work in order to be ready for opening day. Marston may become the opening day venue.
- Mr. Dabrieo suggested swapping committee assignments since he will be working with Recreation for anything related to Marston. Mr. Morin will in turn take over the Recycling Center.
- Mr. Decker met with Highway Director Steve Rollins to review the drainage proposal for the front parking lot island. The swale has been done. Materials will be delivered to the area for the Eagle Scout project.
- Mr. Morin also brought up an option the Planning Board will be discussing which is to extend the mailing costs of the member materials to the applicant along with potentially changing the mailing process of the abutter's notices to not require the higher cost of certified mailing with return receipt. This is going to be checked through NH Municipal Association.

Town Administrator Report

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

General Information/Announcements:

- Nancy Reese joined the Town today as Administrative Assistant/Assessing Coordinator.
- Two new members joined the Highway Department today as well: John Blake and Chris Merrigan. The department is fully staffed with four full-timers plus the Highway Director.
- The Highway Department's 2016 Explorer (repurposed police cruiser) went in for recall work at the dealership and experienced some issues with excess mileage disqualifying the recall work. The vehicle had to be towed back because there are issues in the front end

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requiring significant repair costs for it to be safe for the road. Steve Rollins will be providing some options for consideration including repairing the Recycling Center's F-350 which would be a more useful vehicle for the department.

- A new pipe has been installed in the leach bed at the library as a temporary repair eliminating the cost of pumping the tank weekly. This will buy some time for the newly designed system to be installed but is not a permanent repair.
- The new playground structure installation did not happen during the community cleanup this past Saturday due to the plans not matching the structure that was sent. Utiliplay, the manufacturer, will be sending out representatives to complete the installation this Friday but will need at least two volunteers to assist. The playground area is closed until the structure can be assembled and the bark mulch can be spread. Mr. Shirland spoke on the issues presented during the installation which not only included not having the correct plan set, but also that the structure is being installed on an old leachfield so they met many challenges digging holes and having them refill automatically, requiring a form below grade for the concrete to be poured into. The remainder of the cleanup day was well attended and successful.
- The Highway Department rented a chipper for this week to help clean up the brush and debris left on the roadsides from the last storm. Property owners can request chips be left at their property by submitting a request in writing to the Town Office. Chips will be left on any vacant parcels and hauled away from any improved. Mr. Dabrieo questioned if the utility companies are responsible for any further cleanup of the debris left behind. Ms. White responded that anything now away from the utility lines and in the town's right-of-way is now the town's responsibility and the remainder is the property owner's responsibility.
- Ms. White completed some preliminary research on mailboxes. Several towns still utilize the post office mailboxes for security from mail fraud/theft and less risk of delivery to wrong location. Each mailbox at West Nottingham and Nottingham Post Offices is \$82.00/year. The Police Department also has their own mailbox at the Post Office. Further research will be done to see if there is a mail carrier option with delivery into the Town Office. More updates will be provided.
- In response to providing nottingham-nh.gov email accounts to all board and committee members in place of using personal email accounts to conduct town business, the cost is \$6.00 per month per email account. The current budget cannot support this expenditure. Ms. White stated no business should be transacted via email only during a properly noticed meeting. Members do receive meeting-related materials such as agendas, minutes, etc. and it can be suggested to be done through a designated email for town-business, separate of a personal email account.
- The online assessing and tax map module is not working on the town's website. Ms. White has a call into CAI Tech to find out the cause as it does not appear to be only Nottingham

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but other town's that use them to host the data. Mr. Dabrieo suggested a notice be posted to the website to alert anyone looking to access the information online.

Correspondence:

1. Jaye Vilchok (Jr) – 4/2/2024 re: Building inspector showing up at incorrect properties - Ms. White reviewed the recent incident prompting a complaint which was the result of a mechanical inspector calling in a request for an inspection at a Cedar Waters property identified as lot 19 on Smoke Street. Ms. White was just alerted to a second incident last fall. She and Building Inspector Dale Sylvia have reviewed regular processes and identified some areas for improvement. Ms. White noted that he does use his personal vehicle since the town does not supply one or have one available for inspections, but he comes equipped with business cards and identification. Ms. White is working on implementing a municipal badge for all town employees to use as identification. Jaye Vilchok requested a point of clarification for the sender of the email. It was clarified to be Jaye Vilchok (Jr). Mr. Decker suggested a hat or vest as a quick identification tool.
2. Jaye Vilchok (Jr) re: NFRD Bylaws changes – Ms. White stated she is awaiting the membership of the bylaws committee as well as their signatures on the updated by-laws. Additional questions were asked pertaining to what prompted the changes. Mr. Shirland commented that they were last updated in 2007 and stated that there was unclear guidance and conflicts between those and the personnel policy, and without having standard operating procedures or other guidance in place presented the need for the update.
3. Jaye Vilchok (Jr) re: Concerns with the integrity of the investigator's report – no comment provided. Ms. White stated that some of the questions were related to the process by which the investigation was completed and since it was an independent investigation it would be up to the person who is completing the investigation. Ms. White stated that in response to the question of redactions made, most of them were completed by her and were done for a multitude of reasons including those outlined in RSA 91-A:5 including invasion of privacy or disclosure of personnel or confidential information. Mr. Dabrieo stated it is hard to decipher what someone else may be inferring to.
4. Jaye Vilchok (Jr) re: Concerns with a photo obtained from a personal laptop at the Fire Department – Mr. Decker questioned if anyone called the Police Department. Ms. White contacted them because there were several items requested and returned via the Police Department and this was thought to be an item already returned. Mr. Decker commented that it could be a potential cybercrime which they have no authority over, a formal complaint should be made to the Police Department.

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5. Sandra Vilchoc re: Request to unseal the minutes of the non-public session held on March 20, 2023. Ms. White stated this is a planned discussion for the non-public session tonight.
6. Sandra Vilchoc re: Grievance against NFRD – Ms. White has to follow up with the grievance committee for further information.
7. Sandra Vilchoc re: Items remaining at the Fire Department - Mr. Decker asked if anyone has taken Mr. Vilchoc back to retrieve his stuff from the department. All agreed that anything left should be returned and scheduled through an appointment.

Appointments - times tentative and subject to change

Not applicable.

Review Action Items From Last Meeting

Mr. Dabrieo questioned if there is any update on the Town Beach. Ms. White supplied the Town Attorney with the subdivision plan and deed so she can work on formulating an agreement allowing the town access over their property to access the town beach from Memorial Day to Labor Day. Mr. Dabrieo stated the town beach is inaccessible at present since there are at least five large trees blocking the road. Mr. Decker commented that the State needs to access to maintain the dam and should be taking responsibility for some of the maintenance under their right to pass. A later beach cleanup day will likely have to take place prior to its opening for the season.

Mr. Morin commented that Doug Cummings offered his assistance as an audio expert to help sort through the technical difficulties experienced recently. His service is greatly appreciated.

Assessing

Mr. Morin stated that there are several applications this time of year. Mr. Shirland questioned if the veteran's tax credit is an individual credit not a property credit. Ms. White stated that if there are multiple veterans who are property owners, each is eligible for credit.

Mr. Shirland motioned to deny the Veterans Tax Credit for Map 5, Lot 5. Mr. Decker duly seconded and the motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Mr. Shirland motioned to approve the Veterans Tax Credit for Map 15, Lot 9; and Map 12, Lot 14-1; and Map 40, Lot 1-3. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

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Mr. Shirland motioned to approve the All Veterans Tax Credit for Map 42, Lot 10; Map 25, Lot 16-2; Map 23, Lot 10-23; and Map 15, Lot 8. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Mr. Shirland motioned to approve the Service-Connected Total Disability Tax Credit for Map 46, Lot 7-2; and Map 25, Lot 1-5. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Mr. Shirland motioned to approve the Elderly Exemption for Map 10, Lot 6; and Map 1, Lot 189. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Mr. Shirland motioned to approve the Religious Exemption for Map 43, Lot 28; and Map 4, Lot 8. Mr. Dabrieo duly seconded. Mr. Decker questioned how it works where only a portion of the acreage qualifies. Ms. White responded that the Assessor will make an adjustment to the assessment reflective of the tax-exempt portion. The motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Mr. Shirland questioned the application of Current Use and if the application is to only add the 2-acres. Ms. White confirmed and stated that it may have been reserved for use at one point, but they are now looking to add it into all other land in current use.

Mr. Shirland motioned to approve the Application for Current Use for Map 44, Lot 7. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Ms. White confirmed that there are two approvals needed for the next and that is to approve the release of land from current use assessment and the next is to order the tax collector to collect the land use change tax. The town has 18-months to assess a land use change tax from the time it becomes aware of the change disqualifying the current use assessment. Further discussion on who the land use change tax is billed to which is normally determined at the land closing when a property changes hands.

Mr. Shirland motioned to approve the Land Use Change Tax and Warrant for the Land Use Change Tax for Map 46, Lot 7-4. Mr. Dabrieo duly seconded and motion carried with a 4:0 roll call vote: Mr. Decker - aye; Mr. Morin - aye; Mr. Dabrieo - aye, and Shirland - aye.

Ms. White commented that there were equally as many applications received today as its the deadline, and will be processed after the Assessor reviews and provides a recommendation the second Wednesday in May.

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Next Meeting Action Items

- Town Beach – ongoing discussion.

Public Comment

Jaye Vilchock, 106 Mountain Road – Brought forward three items:

1. Following up on a request from several meetings ago for what positions are covered by surety bond.
2. A statement was made about 42-hour shift coverage at the Fire Department and how that will apply to cover the 15,000 hours required per year.

Mr. Shirland explained that it will be 24-hour coverage and how that works over a 6-week rolling window there will be some weeks with more hours than others; 1 on 2 off; 1 on 4 off; the average will still factor out at 42 hours per week over a six-week period. The personnel policy still needs to be updated to deal with the overtime issue for hours worked in excess of 45 hours per week. Mr. Vilchock questions if the amended schedule will fulfill (2) full-time staff 24 hours 6 days per week. Mr. Shirland responded that there will be two people on per day but there will be per diem/part-time subbing in. There are four full-time positions filled at present. Mr. Vilchock would like clarification that when fully staffed at (6) full-time positions, there will be (2) full-time staff, 24-hour a day, 6-days a week, and this will work within the proposed schedule. Mr. Decker questioned if the schedule will work with the (6) full-time positions, once filled. Mr. Vilchock stated the approval was for (6) full-time working (6) days per week with Sunday being covered by per diem. After further discussion, it was agreed that a visual schedule would be beneficial to better understand how the schedule will work. Mr. Vilchock questioned if overtime will be paid for hours worked over the 42-hours. Mr. Shirland stated that the personnel policy still requires an update as anything over 45-hours presently is considered overtime. The change will be made to reflect overtime after 48-hours.

3. Mr. Vilchock questioned the status of a Right-to-Know request for a log of dates when the minutes of the non-public session held on March 20, 2023 were sealed/unsealed.

Ms. White verified the request by reading the emailed request received today. This request will be fulfilled.

Sandra Vilchock, 106 Mountain Road, stated her concern for unidentified employees visiting properties referring to a recent visit to the wrong property by Building Inspector Dale Sylvia. Ms. Vilchock recommends the Board supply Mr. Sylvia with something to better identify himself while conducting inspections. Ms. White confirmed that Mr. Sylvia would normally leave a business card at a property when no one is there alerting them of his visit. In this recent instance, this did not occur. Mr. Morin added that they discussed earlier implementing a municipal identification badge for town employees. Mr. Decker commented that a hat or vest should also be considered.

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Ms. Vilchock thanked Selectman Decker for bringing common sense to the Board by speaking out and asking questions that are considered pointed and appropriate.

Ms. Vilchock also discussed an email sent questioning payment distributed to her for being present during a ballot machine testing held in March. Ms. Vilchock followed up with additional questions that will be responded to separately.

Ms. Vilchock spoke in support of having a mail carrier deliver the mail to the town office. It was concluded that the best option would be for hand delivery inside the building rather than a secure mailbox outside.

Ms. Vilchock questioned why the Fire Station schedule would require names to be redacted as stated earlier by Selectman Morin. Mr. Morin responded that he only suggested it in the event that people swap shifts. Mr. Dabrieo added that the scheduled could be identified as fulltimer-1, fulltimer-2 and so on. Ms. Vilchock stated that the schedule and roster are public knowledge. It was confirmed that the update roster is posted on the town's website. Further discussion took place on department membership and the eligibility to vote on department matters. Mr. Decker reviewed the current roster of officers.

Non-Public Session

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

Non-public session was entered at 8:03 PM

Mr. Dabrieo moved to exit the public session at 8:51 PM, Mr. Shirland duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Decker – aye, Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Shirland – aye.

The public session was resumed at 8:51 PM.

Adjournment:

Mr. Decker moved to adjourn at 8:51 PM. Mr. Dabrieo duly seconded. Motion carried with a 4:0 roll call vote in favor. Mr. Decker – aye, Mr. Morin – aye, Mr. Dabrieo – aye, Mr. Shirland – aye.

The meeting adjourned at 8:51 PM.

These minutes were transcribed by Ellen White.

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DATE: 4.15.2024

BOARD OF SELECTMEN MEETING

	NAME	ADDRESS
1.	Doug Baker	30 Langrey Prime
2.	Charlotte Fyfe	85 Deerfield
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