

TOWN OF NOTTINGHAM
Selectmen's Meeting
May 23, 2011

6:34 PM, Chair Anderson opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson; Mary Bonser, Hal Rafter

Members Absent:

Guest:

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Chris Mills; William Bartlett, Jr.; Lee Bartlett; Robert Christy; Rae Catherine Christy; Andrea Ovens; Jim Ovens; Sheila Leasure; Koki Leasure; Christos Limperis; Helen Limperis; Edward Kotowski; Liz Kotowski; Steve Soreff; Celeste Schmitt; Kevin Jordan; Dave Galpin; Gwen Galpin; Steve White; Marguerite S. Tucker; Garrett C. Stumb; Therese Thompson; Judy Doughty; Ellie Crow; Dwight Crow; Lucien Morel; Lorraine Morel; John Edwards; Al Ackermann; Matthew Eaton; Paul Herald; Rick Morrissey; June Proko; Celia Abrams; John Morin; Gil Rogier; John Rogier; Charles Farr; Katherine Eaton; John Andrade; James McKenna; Skip Seaverns; Sue Mooney

Chair Anderson acknowledged the public and explained the selectmen would take care of some administrative business before moving on to the discussion of emergency lanes, at which time, the audience would be allowed to participate in the discussion.

MINUTES

MAY 9, 2011 (Meeting)

Line 3: Change *May 2* to *May 9*

Line 70: Change *but at this point* to *and whether*

Line 118 & 119: Indicate these were verbal comments, not written

Motion: Rafter, second Bonser to approve the minutes of the May 9, 2011 meeting as amended.

Discussion: Mr. Brown reported he has heard from Attorney Miller regarding the cable franchise contract. Comcast has refused the request for a second and third (library & fire station) point of origin for broadcasting and responded in the negative to the question Ms. Bonser posed on religious programming. Ms. Bonser noted religious programming is allowed within the town policy, adding the policy had been modeled after Durham's. Chair Anderson and Ms. Bonser would like an explanation from Comcast and Attorney Miller is following up. The current franchise extension is good thru the end of June.

Vote: All in favor. Motion passed: 3-0

ADMINISTRATIVE BUSINESS

There are no department reports. Mr. Brown noted he has received some comments regarding bumps at the end of driveways where the roads have been redone. He reported these are fixed when the highway department goes back to redo the shoulders and ditches.

Mr. Brown has not had any update from the Building Committee regarding the highway garage. Chair Anderson noted the committee is meeting this Thursday at 7PM. They are leaning toward a 100 X 80 foot building similar to our new fire station. Chair Anderson inquired about content replacement cost in the contract. Mr. Brown noted that the adjuster has sent the information to LGC; however, Mr. Brown has not heard from LGC.

Mr. Rafter updated the other selectmen on the budget committee, which met last Thursday. There were a couple of questions on the budget, which Mr. Brown has responded to and Mr. Rafter will pass on to the committee at the next meeting on June 16. The committee will elect officers at the next meeting.

Mr. Rafter, also, attended the school board meeting. He provided copies of the summary proposal from the facilities needs committee. The school board is going to hold a work session on June 1 to review the proposal and Mr. Rafter plans to attend. At this past meeting, the school board discussed the possibility of meeting with the selectmen and possibly working jointly on the future plans. The facilities needs committee has suggested a projection of a 575 students by 2020, which Mr. Rafter noted is open to debate. They are recommending additional classrooms and storage space to accommodate this projected student population, as well as an increase in the size of the gym, primarily for community use. One consideration that will be of significant cost is the need to bring the school building up to current code, which requires sprinkler systems. Sprinkler's were recommended by the fire chief when the building was built; however, they were not a requirement, at the time, and were not included. Another consideration is the current moratorium on state school building aid through 2014. The school is currently 64,000 square feet. The facilities needs committee is recommending an additional 20,000 square feet. This is a significant proposal and the school board will, most likely, take its time to review the recommendations and make decisions on what to move forward with. School enrollment is just over 500 and has remained pretty steady over the past five years at a little over or a little under that mark. Chair Anderson inquired about whether there has been any communication with Ms. Horvath, Nottingham's recreation director. Mr. Rafter did not think there had been at this point; however, there were comments made by a few individuals that if the gym size were expanded there would not be a need for a separate recreation facility. Mr. Rafter feels that is an issue that remains to be seen and will need to take into account the needs of the recreation department. Ms. Bonser inquired about state standards in regards to cost per square foot. Mr. Rafter informed her that was not included in summary proposal.

The selectmen moved on to the signature file.

Motion: Rafter, second Bonser to accept the library's policy on overdue books.

Vote: All in favor. Motion passed: 3-0

The selectmen signed the letter that will be sent out to patrons with overdue books.

Motion: Bonser, second Rafter to accept the recommendation of the Nottingham Conservation Commission to appoint Noel Carlson as an alternate member for a term of three years, expiring in 2013.

Vote: All in favor. Motion passed: 3-0

APPOINTMENTS

7:00 PM –THERESE THOMPSON – LRWM & SEWA UPDATES

At 6:58 PM, Chair Anderson acknowledged Ms. Thompson and invited her to the mic.

Ms. Thompson apologized to the selectmen for cancelling her appointment in March and stated her intent to only provide an update on the Lamprey River Water Management Planning Area Advisory Committee (LRWMPAAC) and the Lamprey River Watershed Association (LRWA) this evening due to the number of attendees waiting to discuss the emergency lane issue. She requested to be rescheduled on another agenda for the Southeast Watershed Alliance update.

Ms. Thompson provided a history of her appointment to the LRWMPAAC and meetings she has attended over the past six years. They looked at 19 affected dams for a management plan. Dolloff Dam and Mendum's have been chosen for the plan. The LRWMPAAC is looking at changing the winter draw-down of Pawtuckaway Lake (currently drawn down 7 feet) in order to provide water for the Lamprey River during times of drought. There has, also, been discussion of reconstructing the dam. The LRWA is holding a public meeting tomorrow evening, May 24, 7PM at Friends Meeting House in West Epping to formulate public comments of their own in response to LRWMPAAC's proposed plan. They will take public comment until June 10, 2011.

Ms. Thompson has repeatedly expressed several concerns for the plan, to which she is not receiving answers. Her concerns include studies and testing regarding the effects, to the existing ecosystems, of lowering Pawtuckaway; effects upstream of the lake, whether lake front property owners will be notified of the release of water; whether the Dam Bureau can actually release only 2.5 inches and prevent the flow of more water; and whether that small amount of water will actually make it to the Lamprey during severe droughts since the rivers and wetlands traveled by the water will also be effected by the drought.

Mr. Edwards, a lake resident, spoke to the issue of not drawing down the lake the full seven feet in the winter. He is on the south side of the lake. Northeast winds throughout summer and fall drive logs, branches, pine needles, leaves, etc. across the lake and into his wading and swimming area. The seven foot draw-down provides him with the ability to clean this area each spring as soon as the snow melts. Giving a brief history, he noted that it took five to six years of spring shoveling in his beach area to remove the extensive debris that had collected for several years prior to his purchase of the property. He is concerned that a decrease in the draw-down will return his waterfront to unsafe wading and swimming. He is very much opposed to the change in the draw-down. Ms. Thompson informed Mr. Edwards that, according to the state, he does not own the land past the mean high water mark and does not have the right to clear it. She, herself, likes the draw down as it is so she can pick up trash and fishing debris that floats into her waterfront. She further noted that there are choices to be made that will determine whether Durham has enough water for daily necessities like flushing toilets or washing clothes. Ms. Bonser acknowledged that if we are experiencing a severe drought, Pawtuckaway will already be low - even prior to a release of water. There was a brief discussion between Ms. Bonser and Ms. Thompson, in which Ms. Bonser asked Ms. Thompson, as a biologist/ecologist, about her thoughts on this issue. Ms. Thompson feels that a study of the entire watershed needs to take place, not just the small designated area. Mr. Edwards stepped down.

Acknowledged by Chair Anderson, Ms. Kotowski took the mic. She stated it appears as though DES's lakes group is not speaking with the rivers group. There is no mention of lake impacts in the 327 page report. Referencing the notice of the LRWPAAC public hearing, she noted Pawtuckaway Lake and Mendum's Pond were not mentioned. She voiced concern there was no attempt to solicit input from the people that use the lakes, including the three lake associations at Mendum's, UNH, the State Park, or Nottingham's Director of Recreation. She feels they are only looking at the effects south of Dolloff Dam. Ms. Kotowski provided some history of Pawtuckaway, indicating there was a plan to create economic growth for Nottingham and the State of New Hampshire when it was dedicated in 1966. She works as an environmental planner and feels this is not the solution to providing more water downstream in times of drought. She is passionate about working to protect Pawtuckaway. Ms. Bonser informed Ms. Kotowski the selectmen have been discussing the permanent protection of Pawtuckaway Lake and have been informed that would require a constitutional change. The next constitutional changes are scheduled for 2012. Chair Anderson indicated he has been in touch with LGC to get advice and direction for proceeding with the permanent protection. Ms. Kotowski stepped down.

Mr. Mills inquired about the ecological impact of lowering the lake in the fall. Ms. Bonser explained that has been a concern all along. Ms. Thompson noted that the draw-down in the fall has some positive benefits such as the freeze/thaw killing off invasive aquatic plants along the water's edge. She further noted this is a draft plan, there may never be this kind of a drought, and that some kind of a plan needs to be in place in case there is.

Chair Anderson asked for any more comments. Getting no response, the discussion ended at 7:40 PM.

GENERAL BUSINESS

Moving on to emergency lanes, Mr. Brown and Ms. Bonser explained there is a policy being put together, which incorporates items from each selectman. Ms. Thompson provided the selectmen with a copy of a letter, signed by Mr. Brown, stating Cove Road has been designated as an emergency way since 1995. Mr. Brown noted the letter Ms. Thompson disseminated is a copy of a letter he has been supplying, for years, to land owners on designated roads in order for them to obtain mortgages. The letter does not apply to the situation at hand.

Referring to a letter sent by Mr. Brown to residents on roads affected by the boards May 9 decision not to further maintain roads not included on the 1995 list, Mr. McKenna noted not everyone was notified. He is on Pine Street and received a letter; however, Pine Street has never been maintained. Mr. John Rogier and Mr. Farr, who live on Rogier did not receive letters. At this point, many audience members claimed either to have received or not have received a letter.

Acknowledged by Chair Anderson, Mr. Jordan inquired as to whether there was a list of maintained roads on the website. Mr. Brown informed him there is not. Ms. Bonser informed him they are still working on correcting the list.

Acknowledged by Chair Anderson, Mr. Soreff stated Dolloff Dam Road should be maintained as an emergency way; as noted in the earlier discussion/update from Ms. Thompson, access to the

dam is critical. There was discussion around Dolloff Dam having been designated in 1995; however, Mr. Soreff is referring to the section that goes straight where Lamprey splits off to the right. Mr. Brown asked for the request in writing, with a diagram.

Acknowledged by Chair Anderson, Mr. John Rogier asked for clarification on the emergency lane activity taking place at this time. Mr. Brown explained some roads were inadvertently left off the list in 1995 and the selectmen are working diligently to address this.

Acknowledged by Chair Anderson, Mr. Morel, a resident on one of the Barderry spurs, shared a story of the ambulance getting stuck when it came for his wife. Mr. Brown, who has a 300 foot driveway on a public road, shared the same experience when an ambulance was called for him. Ms. Bonser inquired about whether a request has been received from the spurs on Barderry. Mr. Morel stated he would submit a letter.

Chair Anderson informed all that the selectmen are trying to work this out. There are RSA's governing emergency lanes and the process needs to be right. Mr. Brown read § IV of RSA 231:59-a regarding rescission of an emergency lane designation, adding that the selectmen are working diligently to address the roads which were inadvertently left off the 1995 list. Ms. Crow inquired about RSA 229. Mr. Brown stated it has not been taken into consideration, noting he would look into it.

Mr. Christie inquired as to how this issue came to light after all these years. He was informed it was raised by a budget committee member who motioned to reduce the highway budget. He asked for the budget committee member's name. He was informed it was Gail Mills. Ms. Bonser, again, noted the selectmen are working to correct the issue. Mr. Kotowski inquired about RSA 229:5 and was informed that Mr. Brown will look into this RSA.

Mr. Rafter reiterated the importance of getting a list of designated roads out, and informed all the selectmen have no intention of rescinding any of the designation already in place. There was a brief discussion of the three roads that were being maintained that are not on the 1995 list. Mr. Kotowski asked what the selectmen needed from residents for a designation as an emergency lane and whether a draft of the policy would be put on the website. Ms. Bonser informed him a letter from someone with legal interest in the road was all that is needed and that they would have a draft available by the next selectmen's meeting.

Acknowledged by Chair Anderson, Mr. Seaverns spoke briefly about the three separate areas of residents who were in receipt of the letter mailed regarding the stoppage of maintenance and suggested the selectmen separate the public hearing for each road.

Acknowledged by Chair Anderson, Ms. Proko inquired about the spur on White's Grove Road, and why it is not maintained. Mr. Brown noted that to Mr. Fernald's knowledge, that spur was never maintained. Mr. White inquired about writing a letter to get it designated. There was a brief discussion around the ability of emergency vehicles to pass, which led to a brief discussion around the requirements, which will be listed in the policy, for the roads to be safely passable by emergency vehicles.

Acknowledged by Chair Anderson, Mr. Jennings talked about an emergency lane designation on Cove Road, which is posted, but has snow plowed into it by the town during winter months. Ms. Bonser suggested the selectmen check with the fire chief to ensure there is adequate access during the winter months.

Acknowledged by Chair Anderson, Mr. Mills addressed Mr. Christie's questions about the raising of the issue, informing all that his wife, Gail, went to an LGC training as a budget committee member. This topic was discussed extensively. She raised the issue in an attempt to carry out her responsibilities as a budget committee member. Mr. Morel responded to Mr. Mills, noting he is offended and seriously doubts the efficacy of Ms. Mills actions.

Chair Anderson called for any further comments.

Acknowledged by Chair Anderson and referring to the agenda, Mr. Seaverns inquired about the criteria. Ms. Bonser informed him Mr. Brown is still working on the criteria and it would be available at the next meeting.

The selectmen indicated they were moving on to other business. At 8:32 PM, the public began leaving and lingering to talk. At 8:35, the selectmen determined there was no further business to carry out.

Having no further business,

Motion: Rafter, second Bonser to adjourn the meeting.

Vote: All in favor. Motion passed 3-0

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Traci Chauvey
Recording Secretary

Approved as amended at the June 20, 2011 meeting.