

**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.

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

52  
53 Mr. Rafter updated the other selectmen on the budget committee, which met last Thursday.  
54 There were a couple of questions on the budget, which Mr. Brown has responded to and Mr.  
55 Rafter will pass on to the committee at the next meeting on June 16. The committee will elect  
56 officers at the next meeting.

57  
58 Mr. Rafter, also, attended the school board meeting. He provided copies of the summary  
59 proposal from the facilities needs committee. The school board is going to hold a work session  
60 on June 1 to review the proposal and Mr. Rafter plans to attend. At this past meeting, the school  
61 board discussed the possibility of meeting with the selectmen and possibly working jointly on the  
62 future plans. The facilities needs committee has suggested a projection of a 575 students by  
63 2020, which Mr. Rafter noted is open to debate. They are recommending additional classrooms  
64 and storage space to accommodate this projected student population, as well as an increase in the  
65 size of the gym, primarily for community use. One consideration that will be of significant cost  
66 is the need to bring the school building up to current code, which requires sprinkler systems.  
67 Sprinkler's were recommended by the fire chief when the building was built; however, they were  
68 not a requirement, at the time, and were not included. Another consideration is the current  
69 moratorium on state school building aid through 2014. The school is currently 64,000 square  
70 feet. The facilities needs committee is recommending an additional 20,000 square feet. This is a  
71 significant proposal and the school board will, most likely, take its time to review the  
72 recommendations and make decisions on what to move forward with. School enrollment is just  
73 over 500 and has remained pretty steady over the past five years at a little over or a little under  
74 that mark. Chair Anderson inquired about whether there has been any communication with Ms.  
75 Horvath, Nottingham's recreation director. Mr. Rafter did not think there had been at this point;  
76 however, there were comments made by a few individuals that if the gym size were expanded  
77 there would not be a need for a separate recreation facility. Mr. Rafter feels that is an issue that  
78 remains to be seen and will need to take into account the needs of the recreation department. Ms.  
79 Bonser inquired about state standards in regards to cost per square foot. Mr. Rafter informed her  
80 that was not included in summary proposal.

81  
82 The selectmen moved on to the signature file.

83  
84 **Motion:** Rafter, second Bonser to accept the library's policy on overdue books.

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

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

87  
88 **Motion:** Bonser, second Rafter to accept the recommendation of the Nottingham Conservation  
89 Commission to appoint Noel Carlson as an alternate member for a term of three years, expiring  
90 in 2013.

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

92 **APPOINTMENTS**

93

94 7:00 PM –THERESE THOMPSON – LRWM & SEWA UPDATES

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

96

97 Ms. Thompson apologized to the selectmen for cancelling her appointment in March and stated  
98 her intent to only provide an update on the Lamprey River Water Management Planning Area  
99 Advisory Committee (LRWMPAAC) and the Lamprey River Watershed Association (LRWA)  
100 this evening due to the number of attendees waiting to discuss the emergency lane issue. She  
101 requested to be rescheduled on another agenda for the Southeast Watershed Alliance update.  
102

103 Ms. Thompson provided a history of her appointment to the LRWMPAAC and meetings she has  
104 attended over the past six years. They looked at 19 affected dams for a management plan.  
105 Dolloff Dam and Mendum's have been chosen for the plan. The LRWMPAAC is looking at  
106 changing the winter draw-down of Pawtuckaway Lake (currently drawn down 7 feet) in order to  
107 provide water for the Lamprey River during times of drought. There has, also, been discussion  
108 of reconstructing the dam. The LRWA is holding a public meeting tomorrow evening, May 24,  
109 7PM at Friends Meeting House in West Epping to formulate public comments of their own in  
110 response to LRWMPAAC's proposed plan. They will take public comment until June 10, 2011.  
111

112 Ms. Thompson has repeatedly expressed several concerns for the plan, to which she is not  
113 receiving answers. Her concerns include studies and testing regarding the effects, to the existing  
114 ecosystems, of lowering Pawtuckaway; effects upstream of the lake, whether lake front property  
115 owners will be notified of the release of water; whether the Dam Bureau can actually release  
116 only 2.5 inches and prevent the flow of more water; and whether that small amount of water will  
117 actually make it to the Lamprey during severe droughts since the rivers and wetlands traveled by  
118 the water will also be effected by the drought.  
119

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

138 Acknowledged by Chair Anderson, Ms. Kotowski took the mic. She stated it appears as though  
139 DES's lakes group is not speaking with the rivers group. There is no mention of lake impacts in  
140 the 327 page report. Referencing the notice of the LRWPAAC public hearing, she noted  
141 Pawtuckaway Lake and Mendum's Pond were not mentioned. She voiced concern there was no  
142 attempt to solicit input from the people that use the lakes, including the three lake associations at  
143 Mendum's, UNH, the State Park, or Nottingham's Director of Recreation. She feels they are only  
144 looking at the effects south of Dolloff Dam. Ms. Kotowski provided some history of  
145 Pawtuckaway, indicating there was a plan to create economic growth for Nottingham and the  
146 State of New Hampshire when it was dedicated in 1966. She works as an environmental planner  
147 and feels this is not the solution to providing more water downstream in times of drought. She is  
148 passionate about working to protect Pawtuckaway. Ms. Bonser informed Ms. Kotowski the  
149 selectmen have been discussing the permanent protection of Pawtuckaway Lake and have been  
150 informed that would require a constitutional change. The next constitutional changes are  
151 scheduled for 2012. Chair Anderson indicated he has been in touch with LGC to get advice and  
152 direction for proceeding with the permanent protection. Ms. Kotowski stepped down.  
153

154 Mr. Mills inquired about the ecological impact of lowering the lake in the fall. Ms. Bonser  
155 explained that has been a concern all along. Ms. Thompson noted that the draw-down in the fall  
156 has some positive benefits such as the freeze/thaw killing off invasive aquatic plants along the  
157 water's edge. She further noted this is a draft plan, there may never be this kind of a drought, and  
158 that some kind of a plan needs to be in place in case there is.  
159

160 Chair Anderson asked for any more comments. Getting no response, the discussion ended at  
161 7:40 PM.

## 162 **GENERAL BUSINESS**

163  
164  
165 Moving on to emergency lanes, Mr. Brown and Ms. Bonser explained there is a policy being put  
166 together, which incorporates items from each selectman. Ms. Thompson provided the selectmen  
167 with a copy of a letter, signed by Mr. Brown, stating Cove Road has been designated as an  
168 emergency way since 1995. Mr. Brown noted the letter Ms. Thompson disseminated is a copy of  
169 a letter he has been supplying, for years, to land owners on designated roads in order for them to  
170 obtain mortgages. The letter does not apply to the situation at hand.  
171

172 Referring to a letter sent by Mr. Brown to residents on roads affected by the boards May 9  
173 decision not to further maintain roads not included on the 1995 list, Mr. McKenna noted not  
174 everyone was notified. He is on Pine Street and received a letter; however, Pine Street has never  
175 been maintained. Mr. John Rogier and Mr. Farr, who live on Rogier did not receive letters. At  
176 this point, many audience members claimed either to have received or not have received a letter.  
177

178 Acknowledged by Chair Anderson, Mr. Jordan inquired as to whether there was a list of  
179 maintained roads on the website. Mr. Brown informed him there is not. Ms. Bonser informed  
180 him they are still working on correcting the list.  
181

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

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

187  
188 Acknowledged by Chair Anderson, Mr. John Rogier asked for clarification on the emergency  
189 lane activity taking place at this time. Mr. Brown explained some roads were inadvertently left  
190 off the list in 1995 and the selectmen are working diligently to address this.

191  
192 Acknowledged by Chair Anderson, Mr. Morel, a resident on one of the Barderry spurs, shared a  
193 story of the ambulance getting stuck when it came for his wife. Mr. Brown, who has a 300 foot  
194 driveway on a public road, shared the same experience when an ambulance was called for him.  
195 Ms. Bonser inquired about whether a request has been received from the spurs on Barderry. Mr.  
196 Morel stated he would submit a letter.

197  
198 Chair Anderson informed all that the selectmen are trying to work this out. There are RSA's  
199 governing emergency lanes and the process needs to be right. Mr. Brown read § IV of RSA  
200 231:59-a regarding rescission of an emergency lane designation, adding that the selectmen are  
201 working diligently to address the roads which were inadvertently left off the 1995 list. Ms. Crow  
202 inquired about RSA 229. Mr. Brown stated it has not been taken into consideration, noting he  
203 would look into it.

204  
205 Mr. Christie inquired as to how this issue came to light after all these years. He was informed it  
206 was raised by a budget committee member who motioned to reduce the highway budget. He  
207 asked for the budget committee member's name. He was informed it was Gail Mills. Ms.  
208 Bonser, again, noted the selectmen are working to correct the issue. Mr. Kotowski inquired  
209 about RSA 229:5 and was informed that Mr. Brown will look into this RSA.

210  
211 Mr. Rafter reiterated the importance of getting a list of designated roads out, and informed all the  
212 selectmen have no intention of rescinding any of the designation already in place. There was a  
213 brief discussion of the three roads that were being maintained that are not on the 1995 list. Mr.  
214 Kotowski asked what the selectmen needed from residents for a designation as an emergency  
215 lane and whether a draft of the policy would be put on the website. Ms. Bonser informed him a  
216 letter from someone with legal interest in the road was all that is needed and that they would  
217 have a draft available by the next selectmen's meeting.

218  
219 Acknowledged by Chair Anderson, Mr. Seaverns spoke briefly about the three separate areas of  
220 residents who were in receipt of the letter mailed regarding the stoppage of maintenance and  
221 suggested the selectmen separate the public hearing for each road.

222  
223 Acknowledged by Chair Anderson, Ms. Proko inquired about the spur on White's Grove Road,  
224 and why it is not maintained. Mr. Brown noted that to Mr. Fernald's knowledge, that spur was  
225 never maintained. Mr. White inquired about writing a letter to get it designated. There was a  
226 brief discussion around the ability of emergency vehicles to pass, which led to a brief discussion  
227 around the requirements, which will be listed in the policy, for the roads to be safely passable by  
228 emergency vehicles.

229

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

234  
235 Acknowledged by Chair Anderson, Mr. Mills addressed Mr. Christie's questions about the  
236 raising of the issue, informing all that his wife, Gail, went to an LGC training as a budget  
237 committee member. This topic was discussed extensively. She raised the issue in an attempt to  
238 carry out her responsibilities as a budget committee member. Mr. Morel responded to Mr. Mills,  
239 noting he is offended and seriously doubts the efficacy of Ms. Mills actions.

240  
241 Chair Anderson called for any further comments.

242  
243 Acknowledged by Chair Anderson and referring to the agenda, Mr. Seaverns inquired about the  
244 criteria. Ms. Bonser informed him Mr. Brown is still working on the criteria and it would be  
245 available at the next meeting.

246  
247 The selectmen indicated they were moving on to other business. At 8:32 PM, the public began  
248 leaving and lingering to talk. At 8:35, the selectmen determined there was no further business to  
249 carry out.

250  
251  
252 Having no further business,  
253 **Motion:** Rafter, second Bonser to adjourn the meeting.  
254 **Vote:** All in favor. Motion passed 3-0

255  
256 Meeting adjourned at 8:35 PM.

257  
258 Respectfully submitted,

259  
260  
261  
262 Traci Chauvey  
263 Recording Secretary

264  
265  
266 **Approved as amended at the June 20, 2011 meeting.**