

**TOWN OF NOTTINGHAM**  
**Selectmen's Meeting**  
**June 20, 2011**

6:31 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: John Terninko;

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Chris Mills; Judy Doughty; Jim Ovens; Matthew Eaton; Edward Kotowski

**MINUTES**

**MAY 23, 2011** (Meeting)

Line 73: Change *remain* to *remained*

Line 190: Change *correct* to *address*

Line 201: Change *correct* to *address*

Line 208: Change *work* to *working*

Line 226: Reword for better reading.

Line 237: Change *discusses* to *discussed*

**Motion:** Bonser, second Rafter to approve the minutes of the May 23, 2011 meeting as amended.

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

**JUNE 6, 2011** (Meeting)

Line 29: Change *initiate* to *initiative*

Line 32: Change *chugging along* to *making progress*

Line 44: Change *order* to *ordered*

Line 62: Replace *not rebuilding the garage in the same spot* with *reasons to be determined, including not rebuilding in the same location.*

Line 119: Change *coast* to *coastal*

Line 137: Change *amount* to *amounts*

Line 206: Add *owed funds*

**Motion:** Bonser, second Rafter to approve the minutes of the June 6, 2011 meeting as amended.

**Discussion:** As follow-up to the discussion around the recycling center, Mr. Brown read a letter he received from a resident who has noticed positive changes at the recycling center and acknowledged the benefits of the new Versahandler equipment. Chair Anderson indicated he feels the staff's morale is up. Mr. Rafter reported he noticed a 15 mph sign at the recycling center and that seemed to be a slow speed but it is posted. There was a brief discussion around police patrol. Mr. Brown will speak with Chief Foss regarding patrols on the busiest days. As follow-up to the discussion around sending a letter to DES, Chair Anderson noted a letter, created with the help of Ms. Kotowski, was mailed to DES last week. Acknowledged by Chair

Anderson, Mr. Kotowski reported he had incorrectly identified Spruce Hole (?) as Cedar Swamp at the last meeting.

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

The selectmen determined they will wait until the next meeting to address the June 9 workshop minutes.

### **ADMINISTRATIVE BUSINESS**

Fire – Engine 3 had to have seals in the pump mechanism replaced.

Highway – Garland and Merry Hill have been reconstructed and have been scheduled for paving. Mr. Brown has received two truck quotes for a new highway truck. These have been passed on to Mr. Fernald.

Recreation – Working on summer hires.

Mr. Brown informed the selectmen there was one check for \$550,000, to the school, for signature. This will leave one remaining payment of approximately \$700,000 to the school prior to the end of the month.

Mr. Brown has spoken with Attorney Miller regarding the Comcast contract. She indicated negotiations are nearing an end; however, a new extension should be requested. Chair Anderson inquired about religious programming. Attorney Miller has not received an answer as to why religious programming is not allowed on the cable access channels.

Mr. Brown received four bids for the preliminary review of the river crossing. He recommended Hoyle, Tanner & Associates (HTA). Their bid was \$2,165. There have been preliminary discussions around ways to address this, including purchasing a bailey bridge, installing a concrete culvert, and installing four culverts in place of the current three. HTA will work with DES on the project. There was a brief discussion around the regulatory move from the 50 year flood to the 100 year flood. HTA is going to check into waivers.

### **APPOINTMENTS**

#### **7:00 PM –MR. COMEAU (50 MCCRILLIS ROAD) – LITTERING**

At 7:00 PM, Chair Anderson acknowledged Mr. Comeau was not in attendance. He called upon the next guest.

#### **7:15 PM –JOHN TERNINKO – FOLLOW-UP TO QUESTIONS POSED AT 06/06 MEETING**

At 7:00 PM, Chair Anderson acknowledged Mr. Terninko and invited him to the mic.

Mr. Terninko took the mic and gave a brief history of his experience with the USA Springs bankruptcy hearings which prompted the questions he was here to clarify.

Mr. Terninko asked the selectmen if they felt it was safer for the town if USA Springs went up for auction or if they received funding. Mr. Terninko voiced concern over the possibility of Nestlé participating in the bidding. There was discussion around getting information out (Ballestero's report, the ordinance, etc.) to people and companies that would participate in the auction. Mr. Terninko suggested placing an ad in the paper at the time the ad for the auction is placed. Ms. Mills suggested providing the information to the auctioneer. There was a general consensus that the auctioneer is not required to disclose such information; it is up to an individual interested in bidding to research the property. Ms. Bonser noted that individuals may do things that a municipality cannot. Mr. Mills indicated there is another option separate from Chapter 7, USA Springs may be left to find a buyer. Mr. Rafter believes the town may have a better argument around permitting with a new owner. Mr. Terninko acknowledged the hypotheticals and indicated it is time to start planning and strategizing.

Secondly, Mr. Terninko asked which was most important to the selectmen, collecting the back taxes or protecting the water. Chair Anderson and Ms. Bonser agreed that the choice does not need to be made. There is a legal obligation to collect the taxes and the selectmen will not stop working to protect the water.

Lastly, Mr. Terninko, noting that past efforts to stop this process have not worked, asked the selectmen what they intend to do differently next time. Ms. Bonser indicated that passage of time is on the town's side. Chair Anderson, acknowledging he did not go through the process originally, is hopeful the town can work with DES next time around but acknowledged he could not provide specifics as to what that meant.

Acknowledged by Chair Anderson, Ms. Doughty reminded all that DES originally denied the permit based on a whole list of items; however, once Benson was elected as Governor, that list was forgotten about. She feels DES did not do their job. Mr. Terninko stated there is a document which addresses the original list of reasons to deny but after Benson was elected, each reason was given a counter response as to why it really was not an issue. There was more discussion around the possibility of USA Springs going into Chapter 7, timing, and the upcoming hearings. Ms. Bonser feels every day water is not withdrawn is a victory.

Mr. Terninko stepped down at 7:31 pm.

## **GENERAL BUSINESS**

Chair Anderson noted that Mr. Comeau was still not present. Mr. Rafter inquired about Mr. Comeau's issue. Mr. Brown explained Mr. Comeau had called the office and was quite upset about littering. He explained state laws (RSA 163-B) govern littering and unfortunately, someone needs to be either caught in the act or there needs to be hard evidence against them. Ms. Bonser believes the best way to deal with it is to go out and pick it up. Mr. Terninko shared a story of finding what he believed was a car registration part on his property, calling the police, and later finding out it was actually a piece of a stolen boat that had been cut up. Chair Anderson, noting he lives on Gile Road, which is a cut-through for many people headed to the dump, acknowledged the frustration of seeing litter on the roads. He found seat cushions. Mr. Terninko shared the Japanese practice of having the children pick up the litter, therefore, raising a conscientious society. Ms. Bonser noted we live in a litigious society.

Chair Anderson reminded all the Nottingham School Class of 2011 graduation ceremony will take place Thursday evening at 7PM. Ms. Bonser will address the class in Chair Anderson's place, as Chair Anderson has a graduate in his household who has expressed some anxiety over Chair Anderson addressing the class.

Mr. Brown informed the selectmen he had received a letter from Mr. Sweeney, Chairman of the building committee, requesting the appointment of Autumn Ricker to fill a seat recently vacated by a member who has resigned due to health issues. Chair Anderson noted Mr. Ricker has been very involved providing information on commercial building and writing the presentation and the RFP for the highway garage.

**Motion:** Bonser, second Rafter to appoint Autumn Ricker to the vacant seat on the building committee.

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

The building committee is still seeking one more member. If interested, please contact the town office at (603) 679-5022.

#### HIGHWAY GARAGE PRESENTATION

Chair Anderson, representing the building committee, gave a presentation on the proposed highway garage. He provided packets, which included a schedule, site plan, RFP, and aerial photo of the pit.

Chair Anderson explained the building committee's first business was to determine the location and, after much consideration, the site of the new sand and salt sheds in the gravel pit on Smoke Street was selected. The committee's second order of business was to determine the size of the building, which he acknowledged was a long process. They viewed and considered several buildings, including a state building in Chester and a building in Epping, taking into consideration the number of pieces of equipment to be housed, size of the equipment, and future needs. There was a brief discussion around subdivisions currently in front of the planning board (23 lots on Ledge Farm Road and 28 lots on Oak Ridge Road, with more in the conceptual stages of planning). Eventually, the Nottingham Fire/Rescue station was used as the model. They had considered a wood building but upon deciding a size of 80' X 100' determined it was too large of a span for wood and would not meet code. There has been no formal bid process and the estimated cost is \$1M - \$1.3M. Chair Anderson is reluctant to support this.

Turning attention to the plans, Chair Anderson stated they are looking at an eight bay drive-through configuration with an area up the side for a small office and storage. It has been determined that radiant heat would be the best way to heat as you cannot control a propane system, which goes into the air and allows much heat loss when the doors are opened. Heat, down low, is crucial for keeping the trucks ready to move, keeping sand and salt in the trucks from freezing, and not having ice form on the floors. At a point in the future, it is recommended to install an I-beam with a lift for moving equipment, such as plows, from one end of the building to the other. Another considerable cost consideration is drainage. At Ms. Bonser's inquiry, Chair Anderson reported the building inspector had attended the last meeting. At Mr. Rafter's inquiry, Chair Anderson confirmed there has been discussion around leaving two bays unbuilt (for future expansion).

Ms. Bonser is interested to hear back from the insurance company. Mr. Brown suggested using the insurance money to build a workshop on the original site. He believes it can be built at little to no additional cost. There was discussion around how many vehicles could be safely stored in a building of the same size. Mr. Brown believes it could safely house three vehicles. At Mr. Terninko's inquiry, Mr. Brown stated the original shed collapsed from snow weight. There was general discussion around the collapse, which is being taken into consideration with the new building. Asked whether all equipment needed heated space, it was explained that all vehicles do not; however, hydraulic equipment is better maintained and less trouble when sheltered, and when the highway department is aware of an impending storm, trucks are often filled with sand and salt the night before in preparation. This material cannot be allowed to freeze in the trucks. There was discussion around any possibility of funding for alternative energy/heat, solar panels, and PSNH and NHEC grants.

At Ms. Bonser's inquiry, Chair Anderson explained the committee was looking for the selectmen to approve moving forward with the RFP and petitioning the court for a special town meeting. Ms. Bonser inquired about costs. Chair Anderson believes the biggest cost, at this time, would be attorney's fees. Mr. Brown informed the selectmen this process would put the town in an undesirable situation, as it will hold up the tax rate setting. He further noted Mr. Fernald indicated he could go through the winter without a new garage. Mr. Brown feels that building a smaller building on the original site with the monies from the insurance company will get us through this year, allowing time for more planning. Mr. Rafter noted if the funds are used for a smaller building at the same location, there would be no credit for the new garage. There was a brief discussion around the small amount of money being discussed. Chair Anderson, again, noted his reluctance to approve and move forward with the proposed plan based on costs and tax rate setting delays. He agrees with Mr. Brown's recommendation of a smaller workshop building on the original site and building a smaller garage at the pit in the future. There was discussion among the selectmen about not being able to meet the proposed schedule, getting feedback from Mr. Fernald, and any environmental issues with building the workshop near the river. Mr. Brown reported there is no drainage system on the original site. He does not believe there is any runoff from the building, adding that any land near a river has some runoff. Mr. Brown noted the fuel system at the Flutter Street site is barely adequate, and indicated that there needs to be consideration, during the planning process, for an additional fuel system at the new site.

Mr. Brown will get firm numbers and information on rebuilding from the insurance company. Chair Anderson will report back to the building committee. Mr. Brown encouraged all to let him know if they are interested in serving on the building committee.

#### EMERGENCY WAY DISCUSSION

Mr. Brown informed the selectmen the draft policy was not sent to the attorney until today. It still needs finalization; he feels there are areas where there is not a consensus among the board. Noting that, as written, the **GENERAL** section of the policy requires ways to be in certain conditions before acceptance by the town, he questioned whether the wording should be changed to only address new roads being considered. Chair Anderson and Mr. Rafter indicated there can be no discrimination, the conditions should apply to all roads as the criteria is being established for safety reasons. The assumption would be that roads currently being maintained meet the criteria. If any road does not initially meet the criteria or falls below the criteria at some point after designation, action would be taken. Ms. Bonser mentioned roads which are grandfathered,

to which Mr. Mills stated roads cannot be grandfathered. Ms. Bonser noted the selectmen need to be very cautious with their wording of this section. Chair Anderson mentioned removing the section pertaining to fire access, since the fire chief has stated there are three pre-determined entrances. There was discussion by all present regarding emergency access to the lake. Mr. Kotowski repeatedly indicated the three points are too spread out. Mr. Brown noted the Fundy access is a bad channel for maneuvering through but added that access points are determined by the fire chief, not the selectmen. The selectmen determined to keep the emergency access portion of the policy as is. There was more discussion around the three general criteria. The selectmen determined all three need to be met; therefore, the word "and" was added to the end of the first two criteria. The selectmen also determined to add the words 'or year-round residences' to the end of the third criteria.

Mr. Rafter inquired about the road list. Mr. Brown stated he has not had a chance to touch it. He indicated there are some open issues, such as Lamprey Drive, which is designated by owner's name, map, and lot, under the designation of Dolloff Dam Road. There was discussion around a timeline for this process. Final draft of the policy should be available for the next meeting on July 5. The July 18<sup>th</sup> meeting could serve as a public input meeting.

#### OTHER GENERAL BUSINESS

Mr. Rafter informed all he had attended the Pawtuckaway Lake Improvement Association's (PLIA) annual meeting. He reported that Mr. Ives had, overall, done a good job of answering people's questions; however, there were some pertinent issues left unanswered. Mr. Ives, upon being asked whether there was some set amount the lake would not be drawn below, responded that that would need to be considered. He also indicated that scenarios in the DES report are based on the premise of the lake being full at the time of drawdown. Mr. Rafter informed all this is a two year pilot program and will be reviewed.

Mr. Rafter informed all he will be attending the meeting between the school board and the school building committee on June 28<sup>th</sup> at 7 PM

Having no further business,

**Motion:** Rafter, second Bonser to adjourn the meeting.

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

Meeting adjourned at 8:50 PM.

Respectfully submitted,

Traci Chauvey

Recording Secretary