

**TOWN OF NOTTINGHAM**  
**Selectmen's Meeting**  
**July 5, 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:

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Chris Mills; Gail Mills; Jim Ovens; Gerry LaLonde; Edward Kotowski

Chair Anderson welcomed all back from the July 4<sup>th</sup> week-end and noted he had attended the reading of the Declaration at Demmon's store. The event was well attended.

**MINUTES**

**JUNE 6, 2011** (Meeting)

Mr. Brown informed the selectmen that although the minutes of the June 6, 2011 meeting were approved on June 20<sup>th</sup>, FEMA is requiring a change. This set of minutes was a submission requirement for the additional monies being sent to the town for the Back Creek Bridge project. Line 35, which states the additional amount FEMA will pay to the town for the Back Creek Bridge is \$28,700 needs to be changed to \$28,712.

**Motion:** Bonser, second Rafter to approve the change to the June 6, 2011 approved meeting minutes.

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

**JUNE 9, 2011** (Workshop)

Page 1, 1<sup>st</sup> Para, 13<sup>th</sup> line: Change *complacency* to *complicity*

Page 1, 1<sup>st</sup> Para, 23<sup>rd</sup> line: Change *set* to *sets*

Page 2, Line 37: Change *engineered plan* to *engineering recommendation*

**Motion:** Rafter, second Bonser to approved the minutes of the June 9, 2011 workshop as amended.

**Discussion:** Mr. Brown reported he had not sent the Emergency Lane Policy to the attorney as there was still work/clarification to be done before they had a "final" draft for the public input session.

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

**JUNE 20, 2011** (Meeting)

Line 40: Change *moral* to *morale*

Line 41: Remove *although* and replace *the comma after speed* with *but*

Line 58: Remove *pick-up*

Line 190: Add *additional*

**Motion:** Rafter, second Bonser to approved the minutes of the June 20, 2011 meeting as amended.

**Discussion:** Chair Anderson inquired about patrols at the recycling center. Mr. Brown reported he had spoken with Chief Foss and this was probably not going to happen. He will request Saturday patrols, specifically. Chair Anderson inquired about the cost of the repairs to Engine 3.

Mr. Brown reported there has been no billing, as yet. Chair Anderson inquired about the last payment to the school. Mr. Brown reported the payment has been made. The tax collector reports that tax collection is in line with the past ten years with approximately 87% having been paid. Chair Anderson inquired as to whether Mr. Rafter had attended the meeting between the school board and the school building committee on June 28. Mr. Rafter reported he had attended. There was lots of discussion about setting priorities for critical needs such as storage. The overall school issue will most likely be addressed in a phased approach. Additional classrooms will not be addressed first as this will set the requirement for the building to have sprinklers.

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

### ADMINISTRATIVE BUSINESS

Chair Anderson informed the public Nottingham resident and ten year building committee member, Bill Powell, passed away. There will be a memorial service July 7<sup>th</sup> at the Congregational Church at 7 PM.

### DEPARTMENT REPORTS

Police – Mr. Brown reported Chief Foss has hired a new officer and would like the selectmen to make the appointment this evening due to timing with the academy application. The academy begins its next round on August 29<sup>th</sup> and applicants are accepted on a first come-first served basis. Normally, Chief Foss prefers to bring the recommended hires to the selectmen before they make the appointment; however, they were unable to attend this evening's meeting. Anthony McKnight is a Rochester resident and comes to Nottingham PD from his position of security guard at Seabrook Station.

**Motion:** Bonser, second Rafter to appoint Anthony McKnight as a full-time probationary officer.

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

Fire – Mr. Brown reported he received notice from Chief Vilchuck and Jude Thibau there will be a mass casualty drill at Nottingham School on July 16, 2011 between the hours of 8:30 am and Noon. This is a regional drill.

Emergency Services – Mr. Brown has received an e-mail from PSNH regarding helicopter fly-bys and identifying the craft as a blue on yellow Jet Ranger 206B, which will be doing scheduled maintenance inspections. Fly-bys will run from 8:00 am until 6:30 pm.

Highway – The new truck for the highway department was ordered today. A Ford was the preferred truck, after a test drive, and is the cheaper of the two quoted (the other being a GMC). The quote included the truck and plow for \$37,900. A sander is still needed. \$49,000 was approved at town meeting, which is being funded from the Highway Capital Reserve fund.

Garland Road and Merry Hill have been paved. They will work on finishing the edges over the next two weeks.

Mr. Brown noted the highway department is at 50% of their budget. There was mention of the increase in sand and fuel costs.

Recycling Center – Mr. Brown informed the selectmen he had been approached by recycling center staff about having three day weekends when there is a Monday holiday. Monday is a regularly scheduled closed day for them and many holidays fall on Monday. They would like to close on the Saturday of a Monday holiday weekend. Chair Anderson informed all the topic had come up at the recycling center staff's monthly meeting. Staff report they receive many calls on those Saturdays to see if they are open, which leads them to believe it is expected that they will be closed. The selectmen reviewed the holiday calendar. They concurred to give this effort a try and asked that notification be placed on the website and Channel 22 when a closing is upcoming.

Town Office/Selectmen's Office – Mr. Brown reported staff have asked to close the Town Office/Selectmen's Office on Fridays for the summer. There was discussion around how little activity takes place in the office on Fridays during the summer months. Ms. Carlson and Ms. Seaverns have taken turns working Fridays, in the past. The selectmen, again, concurred this was something they are willing to try. They requested notices be posted regarding the closings. **Motion:** Bonser, second Rafter to close the Town Office/Selectmen's Office on Fridays between and including July 8, 2011 and September 2, 2011.

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

#### SIGNATURE FOLDER

The selectmen reviewed and initialed salary histories for recreation department summer staff.

#### REVIEW OF DOCUMENTS

Bills and manifests were reviewed and signed.

Mr. Brown addressed the Request for Proposals (RFP) for the new highway garage. Chair Anderson added details and went over the changes. Mr. Brown will make the changes before sending the RFP out. Ms. Bonser inquired about a metal roof. Mr. Brown and Chair Anderson noted a metal roof was an option being looked into within the quote. Asphalt roof life expectancy is 20-25 years where a metal roof is 35-50 years. Mr. Fernald, Nottingham Road Agent, is in favor of having a building on the original site. Mr. Brown reported he had a long meeting with the insurance company regarding the depreciation. The policy terms are set by the members and can be changed by petition. One contractor has concurred with the insurance rate. Mr. Brown has obtained a list of prospective contractors from Autumn Ricker; none are local. Ms. Bonser is in favor of hiring local.

#### APPOINTMENTS

None

**GENERAL BUSINESS**

Chair Anderson informed all that Mr. Hartwell would like to volunteer at the recycling center. He noted that mostly what is needed is a set of eyes outside to help guide residents in the proper use of the recycling center. Chair Anderson is hoping to get one or two more people willing to give time to this worthy effort. Ms. Bonser noted for the record that Mr. Hartwell rents property from her. Mr. Brown noted that Mr. Hartwell, also, volunteers at the VA. Mr. Rafter agrees this is a good start and confirmed that Mr. Hartwell will report to Mr. Cinfo. Mr. Brown feels it would be good to have a policy for volunteers. There was discussion around doing background checks.

Chair Anderson reported that Mr. Cinfo has checked into getting a sign for the recycling center but would like to get the wording of the sign from the selectmen. All concurred the sign should read:

**ATTENTION!**

**For everyone's safety,  
please supervise your  
children closely and no  
pets outside of vehicles.**

For now, one sign will be purchased and attached to the building to the side of the door.

Moving on, Mr. Rafter inquired about the USA Springs bankruptcy hearing. Mr. Brown reported there was a hearing last Thursday. The Court granted the amended motion. All creditors, with the exception of the bank, had assented. The bank had an issue with the carve-out for paying the investors. The carve-out was removed from the amended plan. The Court has, also, agreed to keep the investors confidential, at this time. Malom works as a front for the investors. Mr. Rafter inquired about a timeline for upcoming events. The amended plan is due by July 15<sup>th</sup>, objections are due by August 25<sup>th</sup>. USA Springs is looking at Malom for a \$60M loan to be repaid in five years. There was a brief discussion around expired permits. The big one is the new sources bottled water which needs to be obtained from scratch. Ms. Mills reported that Mr. Hadley, Neighborhood Guardians, has written another letter to Malom.

Next, Mr. Rafter raised the issue of the state budget, noting it has now been passed. The state's contribution to the retirement system is down. He inquired about putting together an analysis over the next month or so. Mr. Brown reported Judy Silva, Deputy Director for Legal Services and Government Affairs at LGC, has indicated that the effect cannot yet be determined. Employee contribution has increased from nine to eleven percent. The 25% previously provided by the state is gone and will need to be made up by municipalities. Ms. Bonser inquired about an updated review on sources of revenue. Mr. Brown informed her it can be done but is a lot of grunt work that will not provide answers at this time.

Mr. Rafter inquired about the ZBA appeal. Mr. Brown noted the selectmen have filed an appeal to the ZBA decision in Case 11-01-V-R with the court. The hearing is set for October 28<sup>th</sup>.

Mr. Rafter inquired about the Comcast franchise. Mr. Brown reported Jay Somers had come in to see him. There was a misunderstanding around the question of religious programming. The town may air religious programming on their local channel at their discretion. There is no date for signing the final contract. The current extension runs through the end of August.

Mr. Brown reported a complaint had come into the police department that the highway crew had moved some rocks located on someone's property while maintaining an emergency lane. Mr. Brown read his letter of response for the record, which stated the issue has been forwarded to the road agent who is willing to work with the property owners to fix what can be fixed but, also, noted that Beech Head Road is an emergency way and equipment needs to be able to get down the road. A copy of the RSA governing the issue was also sent with the letter.

#### EMERGENCY LANE POLICY

Mr. Brown reported Attorney Teague had reviewed the draft policy and felt it was good, noting that bottom line is the statute. He, again, voiced concern over the lack of acknowledgement in the policy that once a lane is designated, the town takes care of maintenance to keep it safe for passage.

*Point of order: Mr. Brown left to make copies of the policy for the attendees and returned during the following discussion.*

While Mr. Brown was out of the room, Ms. Chauvey addressed Mr. Brown's concern turning attention to the rescinding section of the draft policy, which states that roads must be maintained to the conditions listed above under the section for designation of the road as an emergency way. This part of the policy does not indicate that the town maintains these ways once they have been designated. She noted that if the town did not provide this maintenance, the roads would not be passable by emergency equipment. Mr. Rafter indicated the criteria is referring the initial designation of a way. Ms. Chauvey noted the rescission section refers to the same criteria and feels there needs to be some kind of separation between the criteria for designating and the criteria for rescinding. Chair Anderson suggested putting a statement as to what the town will do once the way has been designated. Ms. Bonser did not think this was feasible and Ms. Chauvey indicated it would be difficult to say exactly what the town would do, since you don't know what may be needed, in the future, to keep the road safely passable. Ms. Bonser suggested Ms. Chauvey work on providing some appropriate wording for the policy at the public input session. Ms. Chauvey decline to write wording for the policy; however, Mr. Kotowski volunteered. The policy will be placed, as is, on the website for public review prior to the public input session. Mr. Kotowski will bring wording forward for the public input session. A notice will posted for the public input session to be held on July 18, 2011.

Mr. Rafter raised the issue of archiving due, in part, to the issue the town now faces with the emergency ways. He feels an analysis should be done and a decision should be made as to how things will be retained. Mr. Brown noted that regardless of all available technology, hard copies need to be kept. Mr. Mills agrees with Mr. Rafter's suggestion, but further, feels that the issues that arose with the emergency lanes arose because the findings were not in the minutes of the selectman's meeting. Mr. Brown feels this type of document should be an attachment to the

minutes, not necessarily within the minutes. Ms. Mills noted there have been requests to attach things to the minutes at other meeting, which have been denied. Mr. Brown agreed, adding that it is a case by case situation; not all things should be attached to the minutes. Ms. Mills feels one policy should cover all cases. Ms. Bonser reminded all that the emergency lane hearing in 1995 was under the care of a different administration. Mr. LaLonde, also, appeared frustrated with the archiving issue, noting that the Trustees have had a box to be archived for over a year sitting on their file cabinet. He inquired as to how to move forward with this and volunteer his time and efforts. Mr. Brown explained he has been attempting to get a storage space for retention of records for years. Chair Anderson explained the building committee's attention has now become refocused from archiving to the highway garage. Mr. LaLonde does not see what the building committee has to do with storage and again volunteered to come in and organize the records in the back rooms. Ms. Bonser, Chair Anderson, and Mr. Brown tried to explain that storage of these records is not as simple as it may sound. It takes planning and there is not any available staff to supervise and assist Mr. LaLonde, at this time.

Mr. Ovens inquired as to when the emergency lane issue will be resolved, noting that an ambulance had to travel his now unmaintained road last weekend. Ms. Bonser indicated that due to legal notification requirements, it would probably be another six weeks before the hearing could take place. She suggested they discuss the hearings at the public input session on July 18. There was a brief discussion around how the selectmen may handle the public hearings (i.e., separate hearings, one right after the other). Ms. Mills feels as though the selectmen have already made up their mind on declaring the roads as emergency ways.

Having no further business,

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

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

Meeting adjourned at 8:29 PM.

Respectfully submitted,

Traci Chauvey

Recording Secretary

**Approved as amended at the July 18, 2011 meeting.**