

**TOWN OF NOTTINGHAM  
Selectmen's Meeting  
December 5, 2011**

6:31 PM, Chair Anderson asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, Mary Bonser, Hal Rafter

Members Absent:

Guest: Jay Vilchock, Fire Chief

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; Karen Davidson, resident; Chris Mills, resident; Michelle Carvalho, Nottingham School Principal; Sandra Vilchock, Heidi Carlson, Nelson Thibault, Jude Thibault, Russell Blaney, Nottingham Fire/Rescue; Joe Fernald, Linda Fernald, Jim Fernald, Fernald Lumber; Gunnar Foss, Chief of Police and Emergency Management Director; Judy Doughty, resident; John Morin, resident;

**MINUTES**

NOVEMBER 7, 2011 (Meeting)

**Motion:** Bonser, second Rafter to approve the minutes of the November 7, 2011 meeting, as amended.

Line 22: Add *a*

Line 43: Change *I* to *It*

Line 53: Confirm amount: \$617,609??

Throughout document: Correct the spelling of *Reagan*

Line 177: Change *Reagan* to *Sullivan*

Line 232: Change *rely* to *relying*

Line 233: Change *is* to *his*

**Discussion:** Chair Anderson reported he had mistakenly identified the piece of equipment requested by the Recycling Center staff. They are looking for an additional baler, which can be dedicated to plastics.

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

**ADMINISTRATIVE BUSINESS**

Mr. Brown informed the selectmen bids for the 2011 Annual Town Report were opened and reviewed. Costs range from \$2,762.50 to \$5,400.00. East Coast Marketing Group, the not-for profit company who printed it last year, will be awarded the bid. They provided some provisions that cannot be beat, such as up to a 15% increase in pages at no additional cost. All others quoted a \$25 per page addition costs, at a minimum.

Mr. Brown reported Attorney Donovan has filed a motion to reconsider in the ZBA/Lieb case. The selectmen need to determine how far they wish to take this case. Even though there were blatant errors in the decision, Mr. Brown does not feel they should go beyond this motion. Attorney Donovan's belief is that the Supreme Court would remand the case back to Superior Court. Noting errors made in the decision, Ms. Bonser inquired about consulting with the attorney before deciding how to handle the case. Since one of the errors is the assumption that

Mr. Lieb's lot is the only undeveloped lot on the lake, she is concerned about ramifications (of the standing decision) to the town. Chair Anderson agrees with Mr. Brown. He is not prepared to spend the money when it will very likely be remanded back to Superior Court and possibly even the same judge. Mr. Rafter wants to hear the decision to the motion for reconsideration before making any decision. He is reluctant to spend any more money. Attorney Donovan plans to put something in writing for the selectmen. Mr. Brown will follow up.

Mr. Brown confirmed for the selectmen that the emergency lane designation request from residents on a portion of Dolloff Dam Road and the public hearing to be held in conjunction with the conservation commission are scheduled for Wednesday, December 21, 2011. There will not be a meeting on December 19<sup>th</sup>.

Mr. Brown reported that the USA Springs hearing has been continued to December 15<sup>th</sup>. The loan did not close on December 2<sup>nd</sup>. All documentation must be in by the 9<sup>th</sup> and all objections must be filed by the 13<sup>th</sup>. Mr. Mills added that the SOG motion has been tabled and that Roswell has filed a motion to subpoena the vice president of Malom to answer questions. This has been moved to a closed door meeting. Mr. Brown reported that if all documents are in order on the 15<sup>th</sup> a new closing date will be set.

There was a brief discussion around upgrade of the cablecasting equipment. Mr. Long and Mr. Jett, Access A/V, will be attending on December 21<sup>st</sup>. The selectmen will speak with them at 6:30PM. They are hoping to get a mid-line recommendation somewhere between what Deerfield has and what the Cable Franchise Renewal Committee had in mind. Upgrades will be prioritized by need.

## **APPOINTMENTS**

### **7:00 PM – CHIEF JAYE VILCHOCK, NOTTINGHAM FIRE/RESCUE – STATUS REPORT ON LP DISTRIBUTION PLANT**

At 7:03 PM, Chair Anderson acknowledged Chief Vilchock.

Chief Vilchock addressed the selectmen and provided a brief outline of his experience with the safety issues being discussed. He then read, for the record, a letter (Ser #2011-099, see official file) outlining the case history and stating his intent, as the Authority Having Jurisdiction (AHJ) in this case, to not approve the construction of this bulk plant in the location being proposed regardless of any other decisions made along the way and asking the selectmen where they stand on this issue.

Acknowledged by Chair Anderson, Ms. Davidson inquired, to Chief Vilchock, as to whether the department has the proper equipment to handle an emergency of this sort. Chief Vilchock informed Ms. Davidson that his primary concern is safety of individuals. He acknowledged that the town would need mutual aid for this type of an emergency. Ms. Davidson suggested the selectmen consider adding money in the budget for equipment necessary to cover this type of an emergency, if this should go forward. Chief Vilchock indicated man-power is an issue. Nottingham's is mostly a volunteer department and most volunteers have other full-time, paying jobs.

Chair Anderson, reporting as the Selectmen's Rep to the Planning Board, reported that this case is in its beginning stages. It has been conceptually approved. He does not see it going forward and passing if it does not meet the fire requirements.

Ms. Bonser talked about fire suppression within the tanks and setting conditions on an approval. She inquired about the building inspector's role. Chief Vilchok reported the building inspector would oversee the non-fire portion of the project.

Mr. Rafter inquired about the November 8 review by the state licensed professional engineer. Chief Vilchok indicated the review paralleled his own concerns, noting the application seemed to be missing information in many areas including personnel training, access, security, and whether the equipment would be new or used. There was discussion around other municipalities. Chief Vilchok reported Raymond and Pembroke each have a bulk storage facility. Mr. Rafter confirmed with Chief Vilchok it is the Chief's understanding the Planning Board can approve the application but building cannot happen without the Chief's approval.

Acknowledged by Chair Anderson, Mr. Mills inquired about access, noting he was aware of only one road in and out. Chief Vilchok confirmed this is the situation and agreed it is not a good situation.

Addressing the selectmen, Chief Vilchok noted the Fire Chief is elected, by the members of the department, annually. He asked the selectmen not to interpret his enthusiasm for aggression.

Chair Anderson acknowledged Ms. Carvalho and invited her to the table. Ms. Carvalho addressed the selectmen noting this proposal poses a higher risk to the school. They will need to check the emergency evacuation plans and they will need to be reviewed. All practice of emergency drills has been to the front of the school. An accident under this proposal would require evacuation to the back; bussing, plowing, and issues of this nature need to be addressed. At Ms. Bonser's inquiry, Ms. Carvalho stated she has not addressed her concerns with the Planning Board.

Acknowledged by Chair Anderson Chief of Police Gunnar Foss addressed the selectmen. He acknowledged he is not fully versed in the specifics of the proposal but felt he should voice his concerns. Speaking as the Emergency Management Director for the Town of Nottingham, he acknowledged this project could move forward and be in place for any number of years without incident. He cannot, however, help but consider the 'what if'. Even an minor accident, be it with the tanks or trucking traffic, would cause big problems. Any incident would require evacuation to the back of the school and this, in itself, poses problems that will need to be addressed. All Aboard Day Care would also be at a higher risk and evacuation from there also needs to be looked into. Speaking as the Chief of Police, he is concerned with security. He talked of domestic terrorism. Chief Foss, again, acknowledged there may never be an incident, but noted he cannot not consider the 'what if'. He does not believe the site across from the school is the right place for a propane bulk storage facility. Chair Anderson encouraged Chief Foss to attend the Planning Board hearing.

Acknowledged by Chair Anderson, Ms. Davidson addressed the selectmen, again. She noted there are a lot of citizens who share Chief Foss's concern over the 'what if'. She talked about the additional danger that would arise from parents trying to get to the school to retrieve their

child(ren) should there be an accident, noting she believes parents will not wait for their child(ren) to be brought to them should there be an incident requiring evacuation. She feels there are better places in town to place this type of facility. Ms. Davidson informed all that Raymond has a 55+ development located near their's and the units are not selling.

Acknowledged by Chair Anderson Joe Fernald took a seat at the selectmen's table. He feels there is a lot of emphasis on the size of the tanks and noted the tank at the school is 15,000 gallons. He inquired as to why no one has had an issue with this tank that is 300 feet from the school but there is an issue with the tanks he is proposing that will be 2,000 feet from the school. Chief Vilchuck informed the selectmen the school's tank average daily lode is 8,000 gallons, it's maximum capacity is 11,000-12,000 gallons. Two 21,000 gallon tanks are being proposed. He stated that comparing the tank at the school to the tanks being proposed is not comparing apples to apples simply because of use. There was discussion around the amount of interaction that will take place with the new tanks compared to the interaction of the tank at the school. Ms. Carvalho confirmed that during her time as Principal of Nottingham School there has been infrequent interaction with the tank and any interaction does not take place during school hours. Mr. Fernald disagrees with Chief Vilchuck and does not feel his proposed tanks are any more of a hazard than the tank at the school. He wants to know why there was no safety or evacuation plan prior to his proposal. Ms. Carvalho and Chief Vilchuck both indicated now that the issue has been brought forward, step are being taken to address safety and evacuation. Also, Ms. Carvalho noted earlier in the conversation that the school tank had a total upgrade of both valves two years ago and there is paint for the tank in the budget this year.

Acknowledged by Chair Anderson, Jim Fernald took a seat and addressed the selectmen. He noted he and his wife own the property where the tank placement is proposed. He stated there has been good discussion with the Planning Board and the plan received conditional approval on November 30<sup>th</sup>. He informed the selectmen the application was light because Rhymes did not want to spend the money on the engineering services without conditional approval. Wednesday before Thanksgiving the fire marshal, Jeff Sear, visited the site. He informed Mr. Fernald it was a great location with lots of room. Mr. Fernald reiterated the tanks will be approximately 2,200 feet from the school and the day care. The entrance bridge and water supply were two issues the fire marshal raised and these will be addressed. Ms. Bonser feels the lumber yard has been a good neighbor and she hopes there will be intimate conversations which include both the fire chief and the emergency management director. Mr. Fernald stated this proposal is not new science; statistics indicate there is a better chance a person will get struck by lightning than be hurt from an accident involving this proposed operation.

Mr. Mills voiced concern that gas is heavier than air, indicating we would all be breathing in propane until it dissipates. Ms. Doughty agrees with Chief Vilchuck in that she does not believe the propane tank that services the school is the same hazard as the proposed bulk storage. She feels this is the wrong placement of these storage tanks.

Receiving no more public comment, Mr. Brown reminded the selectmen Chief Vilchuck had closed his letter by requesting the selectmen to weigh in on the issue. Mr. Rafter indicated he feels this is procedural, at this time, and the selectmen do not have a part in procedure taking place. Ms. Bonser feels there is still time before the selectmen will become involved but acknowledged they need to stay on top of this case. They were all in agreement that this case will end up in court if it continues on the path it's on. In response to a comment from Mr. Rafter regarding more information, Chief Vilchuck informed the selectmen the Planning Board file

contains all documentation related to the case. He informed them the next Planning Board meeting on this case is December 28<sup>th</sup>. This will be to discuss whether the applicant needs to go to the ZBA for commercial zoning.

There were thanks all around. Many spectators left the meeting. Mr. Brown asked Chief Vilchok to stay while the selectmen discussed his request for a new full-time employee.

ADDITIONAL FULL-TIME EMPLOYEE REQUEST – The new staff position requested by Chief Vilchok will be a cost of approximately \$48,920; \$29,992 salary, \$12,014 insurance, and \$6,865 retirement.

Chief Vilchok informed the selectmen that as of October the call volume was 11% higher than it was in 2010. He is having problems covering calls. Most of the younger volunteers have regular paying jobs and the employers are not willing to subsidize volunteer fire departments. A call lasts a minimum of three hours. The average member age is increasing. Chief Vilchok noted this request has been in the CIP for years.

Ms. Bonser informed all it would be an 0.18<sup>6</sup>¢ increase on the tax rate. She feels it is money well spent. Chair Anderson concurred. Mr. Rafter reported the budget committee has not had a discussion on this subject, yet.

**Motion:** Bonser, second Rafter to support the request for an additional full-time fire fighter.

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

Acknowledged by Chair Anderson, Mr. Thibault addressed the selectmen. He noted for the record he is 66. He informed the selectmen a call had come in around 4:36AM, to which he and his wife responded. They both went to their regular jobs after the call. He reported there is lack of coverage at least once a week for transport.

## GENERAL BUSINESS

Mr. Brown raised the issue of his request for an additional staff person. Ms. Bonser read a written statement in support of this position. Chair Anderson agreed with everything Ms. Bonser stated and reiterated this would be an experienced position. Mr. Brown noted this person would need to be multi-talented and acknowledged Ms. Chauvey's skills. Mr. Rafter agreed and sympathized with Ms. Bonser's issues but feels he needs a strong argument to support this. He believes it will be tough to support two new positions. Ms. Bonser feels the selectmen need to support this position in order to serve the residents well. Ms. Chauvey inquired as to whether this position would be taking over the recording secretary duties for the Board of Selectmen. She was informed those duties are included in the new position.

**Motion:** Bonser, second Rafter to support the new position requested by Mr. Brown.

Discussion: Mr. Brown noted that whether or not the position is supported/approved he will continue to do his job. He believes the fire department is more in need of a new staff person. Chair Anderson feels the same dynamics taking place at the fire station are taking place in the town office. Ms. Bonser feels Mr. Brown has waited long enough for this position and the selectmen should consider this a protégé position.

**Vote:** Bonser and Anderson in favor. Rafter opposed. Motion passed: 2-1

Mr. Rafter confirmed the new position would pay \$20/hr, noting the comparability to the new EMS position with the exception of the retirement costs. The position as part-time would be a salary of \$19,500/yr; as full-time it will be \$41,600/yr. Mr. Rafter asked Mr. Brown to have new budget sheets ready for Thursday. Mr. Brown agreed to try.

Mr. Brown raised the issue of encumbrances. He is waiting on the Planning Board for finalization of that part of the budget. They may encumber funds for existing contracts and lower the amount requested for next year.

Chair Anderson reported that the building committee will not be meeting again until after the holidays.

Mr. Brown informed the selectmen Request for Proposals (RFPs) have been posted for both the steeple repair on the Dame building and the river crossing at the pit.

Chair Anderson made a public announcement that he has decided not to run for office again.

Having no further business,

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

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

Meeting adjourned at 8:47 PM.

Respectfully submitted,

Traci Chauvey

Recording Secretary

**Approved as amended at the January 3, 2012 meeting.**