

**Minutes**  
**Nottingham Selectmen's Meeting**  
**May 7, 2012**

6:32 PM Chair Bonser opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Mary Bonser, Hal Rafter and Mark Carpenter.

Others: Town Administrator Charles Brown; Dawn Wirkkala – Secretary, Therese Thompson, Linda Fernald, Chris Mills, Gail Mills, Jude Thibault, Nelson Thibault, Jaye Vilchock, Sandra Vilchock

**DEPARTMENT REPORTS:**

**Fire Department:** Approximately 38 resumes have been received and 9 have been selected for further review. The Fire Chief has recused himself from the hiring process due to a potential nepotism conflict with one of the selected submissions. The Nottingham policy states “*no relative may work in the same department as a regular employee if the employment relationship is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Board of Selectmen or the Town Administrator.*” Mr. Brown stated he recommends no approval to hiring a spouse and the review committee should be notified. Mr. Rafter asked if all parties were aware of the policy and Mr. Brown indicated they were. The Selectmen recommended notifying the hiring committee regarding the nepotism policy and potential conflict.

**Highway Department:** Six paving bids were received and after review the recommendation is for R&D Paving to complete the paving. The Selectmen and Mr. Brown reviewed the specific bid charges for the reclaiming, top coats, binders and asphalt, to determine which amounts were the lowest. Some amounts were similar with fluctuations of quantities of needed materials, waste from the reclaiming, and current market prices; R&D Paving offered the most competitive bid. Mr. Brown stated all bids have a disclaimer that amounts are based on current market prices and may change depending on when the work is actually completed. Mr. Carpenter requested to have a potential total cost summary for the final selections on future bids. Mr. Brown stated it is possible, but actual total amounts for some items are only estimates based on the criteria and actual amounts aren't available until the job is actually complete.

**Motion:** Carpenter motioned, Rafter seconded, to accept the recommendation of R&D Paving for the paving of town roads.

**Vote:** 3-0 in favor.

**Town Office:** Chair Bonser requested all Board members respond to the suggested legislation regarding large ground water withdrawal permit process to require coordination between state agencies and local municipalities. This new legislation could give the local municipality the ability to veto the issuance of a permit when the commercial taking of water might be a danger to the local water supply. Mr. Carpenter stated he emailed his concerns and suggested statements to Mr. Brown, and reviewed them with the board. Chair Bonser requested Mr. Brown to make the recommended changes and forward the information to Representative Kyle Tasker.

**OUTSTANDING MINUTES:**

**Motion:** Rafter motioned, Carpenter seconded to approve the minutes of the April 9, 2012 meeting as written.

**Vote:** 3-0 in favor.

**Motion:** Rafter motioned, Carpenter seconded to approve the minutes of the April 23, 2012 meeting as amended.

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**Vote:** 3-0 in favor.

**MANIFEST SIGNATURE:** Board members reviewed the manifest for issuing payments.

**Motion:** Carpenter motioned, Rafter seconded to approve the 5/7/2012 manifest for payment on 5/11/12.

**Vote:** 3-0 in favor.

Mr. Carpenter asked for clarification on a Highway payment item for E&J Auto, Invoice #459187. Mr. Brown stated he would review the payment and get back to him.

**SIGNATURE FILE:** The Board reviewed the following signature items:

	Signature Item/Subject	From	Signed
1.	Fire Warden, 11 Deputy Fire Wardens, and 1 Issuing Agent Appointment and 5 Deputy Fire Warden Removal Forms.	Fire Dept	Yes
2.	NH Highway Safety Project Grant for DWI Patrol	Police Dept	Yes

**Motion:** Rafter motioned to sign the recommended appointments for Fire and Deputy Fire Warden and Issuing Agent, Carpenter seconded.

**Vote:** 3-0 in favor.

**Motion:** Rafter motioned, Carpenter seconded to sign the Deputy Fire Warden Deletions.

**Vote:** 3-0 in favor.

Mr. Brown recommended signature on the grant application, as it will provide funds to cover the costs for officers to complete DWI patrols during the summer months.

**Motion:** Rafter motioned, Carpenter seconded to sign the Highway Safety Public Grant.

**Vote:** 3-0 in favor.

**Notice of Limits of Liabilities:** Mr. Brown stated the Notice of Limits of Liabilities for the Cardillo property, was previously signed and witnessed. However, the joint property owner signature would be needed prior to Selectmen signature.

**REVIEW:** Review the status of new, on-going, and previously discussed concerns, questions, or tasks/items.

**PEG channel agreement:** Mr. Carpenter stated he attended an open house last Wednesday to review the new public TV server and it should be a good fit for the planned two channel operation for the town. It will include drag and drop operations for new and existing services, remote program operations, scheduled airing and recording, and automation of many processes. It will allow for airing of the same program on both channels, viewing of recorded meetings and activities, in addition to other options.

**Redistricting:** Mr. Rafter distributed his researched clarifications regarding redistricting. The state is exempt from Motor Voter act because it offers same day registration. An Attorney General news release from 4/17/12 indicates only 10 municipalities are subject to federal review, and Nottingham is not one of them. Mr. Rafter will bring further research to the next meeting and recommended the Selectmen make a decision soon about whether they will be joining the lawsuit. It was stated multiple citizens are concerned about Nottingham having its own representative to make sure local municipal issues are addressed. Chair Bonser wanted to wait for the court decision prior to making a decision.

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**ctac (Computer Technology Assistance Corps):** Mr. Carpenter stated he received information about ctac, who recycles/refurbishes computer and computer components while attending the Selectperson's Institute this past weekend. Mr. Carpenter indicated the products are refurbished and then donated to people in need and it might provide a benefit to Nottingham residents helping those in need and reducing the amount of waste from the Recycling Center. Chair Bonser asked to have someone from the Recycling Center review the information for possible participation.

**APPOINTMENTS:** 7:00: Mr. and Mrs. Mills re: USA Springs; 7:15: Therese Thompson re: Southeast Watershed Alliance Standards;

**7:00 pm:** Mr. and Mrs. Mills reviewed the USA Springs process has been going on for several years, with bankruptcy in the last 4, and now it has been indicated USA Springs may be put on the auction block in July 2012. They would like to hold a public forum to review existing information, clarify the permit statuses and try to eliminate miscommunication regarding all issues. Mr. Brown stated he does not believe the property will go up for auction yet, as new motions have been filed to postpone the effective date, in an effort to keep the bankruptcy plan moving forward. Mr. Brown stated conflicting USA Spring motions were filed, the town attorney is reviewing all motions for possible clarification, objections, and/or response to make sure Nottingham receives monies due.

Mr. Mills stated the forum would be a joint session with the Nottingham Water Alliance, Neighborhood Guardians, and the Nottingham Selectmen. Mr. Jim Hadley would be chair, and there could be discussion and a review of where the process is at this time to eliminate/end rumors. The forum is planned for Saturday, June 2, 2012 from 9:00 am to 12:00 pm, which will allow the ability for all interested parties to attend. Mr. Carpenter requested for Paul Colby to attend the forum as well. Chair Bonser requested town state representatives be invited and Mr. and Mrs. Mills stated an invitation would be extended. Mr. Carpenter stated the Selectmen are working with Representative Kyle Tasker for potential legislation giving the local municipalities more control over state issued large ground water withdrawal permits. Mr. Brown stated there are court dates on May 14 and May 15 to review the submitted motions.

Mrs. Mills stated it also appears there are discrepancies regarding corrected/restored violations. Chair Bonser stated there is a draft letter from Paul Colby about the violations and questioned sections regarding permit renewal versus a newly issued permit. The Selectmen requested the letter be completely reviewed to determine the correct usage of "*renewed*" versus "*obtained*" and "*shall*" versus "*must*." It will be reviewed with the town attorney prior to release.

Mr. Carpenter stated he wants the forum presenters, with Jim Hadley and Paul Colby to meet and come up with definitive answers regarding the case status and status of permits. A presentation should be created and be presented at the forum to prevent arguments about what is going on.

All members of the BOS agreed to attempt to rearrange schedules to attend for all, or at least part, of the forum.

**7:15 pm:** Ms. Thomson reviewed the draft Southeast Watershed Alliance Stormwater Standards for Coastal Watershed Communities, indicating the Selectmen may want to consider having a Planning/Zoning Board member attend the watershed meetings to address the planning and zoning ordinances and/or regulations the standards are requesting. Ms. Thomson requested the Selectmen to email her any of their questions, comments or concerns regarding the standards prior to the Wednesday evening meeting. Ms. Thomson also reminded the Selectmen she will

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124 have a conflict and will be unable to attend the meetings after August and an alternate will need  
125 to be found. Chair Bonser stated the Town will notify Planning & Zoning about representing the  
126 town for the Wednesday nights. Mr. Rafter asked when a possible final plan could be adopted  
127 and Ms. Thomson stated it is unknown, due to the high total number of towns (56) involved.

128 **GENERAL BUSINESS:** Board members reviewed general business of the town.

129 **Propane Facility:** Mr. Brown presented a letter from Police Chief Foss regarding concerns  
130 about the proposed propane facility. Chair Bonser stated there is no plan for the Selectmen to  
131 make a decision regarding the issue until Planning and Zoning have completed their process.  
132 Mr. Carpenter stated the plan should be in the best interest of the town's people, to include safety  
133 concerns, tax revenues, costs for services – fire, police, road, etc. Mr. Rafter stated he would  
134 need to know what the Board might intend regarding this issue for a known response regarding  
135 his participation on and with the Planning and Zoning Boards.

136 **ADJOURNMENT:** Having no further business,

137 8:27 PM **Motion:** Carpenter motioned, Rafter seconded to adjourn.

138 **Vote:** 3-0 in favor.

139 Respectfully Submitted,

140 Dawn Wirkkala