

**Minutes  
Nottingham Selectmen's Meeting  
June 4, 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, Gail Mills, Chris Mills, Judy Doughty, Romeo Danais, John Terninko

**OUTSTANDING MINUTES:**

**Motion:** Motion by Mr. Carpenter, second by Mr. Rafter to approve the minutes of the May 21, 2012 meeting as amended.

**Vote:** 3 – 0 in favor.

Clarification took place about negotiations with the state and a possible settlement agreement on the town owned Mill Pond Road property. Mr. Brown stated there was a previous verbal agreement, but with another attorney for NH DES. There has been a new attorney assigned to the issue and the negotiation process will have to start over.

Discussion took place about the road shift for Halls Road. Mr. Brown stated he is waiting for agreement about the shift from Mr. and Mrs. Olkovikas and Mr. Fernald has not yet started the change. The Selectmen clarified they did not want a formal survey of the area, but want to have a basic written agreement between the Olkovikas and the Town to answer any future questions that might be raised regarding the area involved with the road shift.

**MANIFEST SIGNATURE:**

**Motion:** Motion by Mr. Carpenter, second by Mr. Rafter to approve the 6/4/12 manifest.

**Vote:** 3 – 0 in favor.

**DEPARTMENT REPORTS:**

**Building Department:** None

**Fire Department:** None

**Highway Department:** Chair Bonser stated it has been reported new potholes will need repair because of the rain. Mr. Brown stated ledge has been found on Halls Way, toward Route 152, and some blasting may need to take place before finish grading can continue in this area.

**Police Department:** None

**Recreation Department:** None

**Recycling:** Mr. Brown and members of the Recycling Department attended a recycling conference today and the biggest topic was the pay as you throw program. The City of Concord reported they saw in year one of their pay as you throw program an approximate 40% reduction of solid waste, a 60% increase in recycling, and a budget expense deduction of 1.2 million dollars. The keynote speaker talked about finding the ability to re-use everything that can be re-used and finding a way to consume less to reduce waste. Additional information will be gathered for possible future use in Nottingham. Mr. Brown would be attending the second day of the conference on June 5.

**Town Office:** None

**SIGNATURE FILE:** No sign items.

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

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Chair Bonser stated all board members attended the Water Ordinance/USA Springs forum on June 2, 2012. The forum was interesting and a lot of information was distributed. Chair Bonser stated in an effort to determine if other similar ordinances are being upheld she researched information and also contacted Pennsylvania Attorney General Susan Bucknum. According to Attorney General Bucknum the ordinances have not yet been upheld in Pennsylvania. Chair Bonser provided two cases regarding the issue, one from the Commonwealth Court of Pennsylvania: *Commonwealth of Pennsylvania, Office of Attorney General, by Thomas W. Corbett, Jr. Attorney General vs. Packer Township and Packer Township Board of Supervisors* and the other from the US District Court for the Western District of Pennsylvania: *Penn Ridge Coal, LLC and Allegheny Pittsburgh Coal Company vs. Blaine Township*. In short, it appears the ordinance has been rejected, in some cases three times, and one has agreed to withdraw the ordinance. Copies of the information will be left with Mr. Brown for review.

Chair Bonser stated RSA 485-C:20 is the law that should be changed, removing the groundwater withdrawal language, and the proposed correction should be given to Representative Kyle Tasker for submission. The Selectmen agreed to request a meeting with Representative Tasker.

Mr. Mills stated previous legislation regarding this issue was proposed in a couple of different formats and the changes did not pass in the legislature.

The Selectmen stated a meeting is being requested with the writers and citizen experts to have an open dialogue regarding the ordinance. This open dialogue would be before a potential action to seek legal opinions regarding the ordinance to test the ability for its enforcement. Mr. Mills asked to selectmen to specifically review Article 7.8 in the ordinance.

Mr. Rafter stated he feels the discussion may be premature, a meeting can be held, but it may not be necessary if a new buyer of USA Springs isn't interested in large ground water withdrawal.

Discussion took place about the town's representatives also attending the Water Ordinance review meeting, or if they should be requested to a separate meeting. It was determined a separate meeting would be requested with all Nottingham legislative representatives in order for all areas of legislative changes to be considered. The Selectmen requested to have a meeting with all the representatives on July 2, 2012.

**Redistricting:** Mr. Rafter asked if Representatives Tasker and Reagan had responded to the email regarding redistricting concerns. Mr. Brown stated an answer has not been received. Mr. Carpenter stated a written response to the questions should be requested from the Representatives. Allboard members agreed for Mr. Brown to request a written response from the Representatives.

**Budget Committee:** Mr. Rafter asked about the previously suggested standard budget worksheet template, indicating he created a draft that could be used. Mr. Brown stated one has been created similar to Mr. Rafter's template but it eliminated the percentages and added a narrative. This will be given to all department heads for use.

**Electronic Maps:** Mr. Rafter asked about the status of the digitized mapping and the inclusion of wetlands areas. Mr. Brown stated it was not part of the initial process; it was to create property tax maps. Wetlands areas were not requested or paid for but could be added. Adding additional layers, including prime and critical wetlands overlays can be done more easily in the future. Mr. Rafter asked to explore the cost for the wetland overlay to the electronic maps for the next budget cycle.

**APPOINTMENTS:** No appointments were scheduled.

**NON-PUBLIC SESSION: 7:14 PM Motion:** Motion by Chair Bonser, second by Mr. Rafter to enter non-public under RSA 91-A:3 II(d).

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- 85 **Vote:** Rafter – yea, Carpenter – yea, Bonser – yea. Passed by roll call vote: 3-0 in favor.  
86 **7:44 Motion:** Motion by Chair Bonser, second by Mr. Rafter to exit the non-public meeting.  
87 **Vote:** 3-0 in favor.  
88 **Motion:** Motion by Chair Bonser, second by Mr. Rafter to seal the minutes of the non-public  
89 session.  
90 **Vote:** 3-0- in favor.  
91 **ADJOURNMENT:** Having no further business,  
92 **7:45 PM Motion:** Motion by Mr. Rafter, second by Mr. Carpenter to adjourn.  
93 **Vote:** 3-0 in favor.  
94 Respectfully Submitted,  
  
95 Dawn Wirkkala