

Minutes
Nottingham Selectmen's Meeting
August 27, 2012

6:30 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: Charles A. Brown, Town Administrator, Dawn Wirkkala, Secretary, DeeAnn Decker, Jaye Vilchock, Sandra Vilchock, Casluh Tourigny, Lenwood Brown, Matt Curry, Gail Mills, Chris Mills, Kyle Tasker, Judith Spang, Brian Goetz, Susan Roman, Stephen Roy, Brandon Kernen, Representative Kyle Tasker

DEPARTMENT REPORTS:

Fire Department: Chief Vilchock introduced the new department firefighter Lenny Brown III and reviewed his previous firefighter and EMT experience. Mr. Brown stated he has been getting familiar with the town and other employees and thanked everyone for the opportunity.

Chief Vilchock read letters of appreciation and dedicated service addressed to Matthew Curry, Casluh (Cassie) Tourigny, and Sandra Vilchock, thanking them for going above and beyond the regular course of duty covering department shifts during the period that the Fire Department was short staffed.

APPOINTMENTS: 7:00 pm: Supervisor of the Checklist, 7:15 pm: Brandon Kernen/NH DES.

7:00 pm: Ms. Decker reported Election Official staff received the training regarding the new Voter ID procedures. There are few changes for the September election; ID's will be requested but not required to vote. There will be a distribution of notice regarding the change for the November election, where ID's will be required. Valid ID's: any state driver's license even if expired, NH DMV ID Card, US Armed Services ID Card, US Passport, any federal, state, county, or municipal government issued ID, valid student ID, Other photo ID deemed legitimate by the Election Official, or verification of identity by an Election Official. If someone doesn't have an approved ID for the November election, they will need to complete the Qualified Voter Affidavit in order to vote.

There will be no notation about a voter not having an ID on the actual ballot, but there will be a notation on the official checklist. However, because there is a change on the checklist additional training will take place with the ballot clerks.

The Qualified Voter Affidavit form must be signed by an election official in the polling room, after it has been completed. Ms. Decker asked to have an individual assigned to greet people at the door, let them know about the ID requirement and distribute the affidavit if the person doesn't have an ID allowing them time to complete the form prior to getting their ballot. There will be a need for some clipboards, forms can be completed in line or in the hall, but must be signed within the room by the election official; it can be any regularly considered elections officials and any person assigned to the duty for the day who signs the form. The affidavit asks for minimal information: name, place and date of birth, address, and signature and then the voter information is compared and verified with what is on file on the town checklist. An informal tally sheet will be used to establish how many people voted without ID's and utilized the affidavit. The identity or ability to vote of someone using the Qualified Voter Affidavit can be challenged by another person or political party.

Ms. Decker asked for people to assist in setting up the polling place; volunteers are being sought to help setup the polling place, determine if there will be a conflict in the polling room, and the set up start time will be determined soon.

Ms. Decker also reported for individuals without ID's, there will be a no cost waiver request form to receive a NH Voter ID from NH DMV, which will be used for voting purposes only. Individuals

Minutes
Nottingham Selectmen's Meeting
August 27, 2012

can only have one type of ID, one type will override the validity of the other; if you have a driver's license and get a Voter ID the driver's license becomes invalid.

The Selectmen gave permission for Ms. Decker to schedule training for the voting personnel and for early set up of the polling booth and equipment.

7:15 pm: Mr. Kernan, Ms. Roman, and Mr. Roy introduced themselves as individuals who worked on the recommendations and report from the 2008 House Bill 1353. Mr. Kernan stated he would review the recommendations of the sub-committee and their suggestions for possible legislative changes to give municipalities more oversight of the large groundwater withdrawal permit process. Mr. Kernan stated he was not speaking for NHDES, but only presenting the information from the HB1353 Sub-committee.

Mr. Kernan reviewed the presentation and recommendations. Mr. Kernan reported the ultimate response from the sub-committee was that municipalities need a greater role in the process of issuing large ground water withdrawal permits. The presentation would be made available to interested parties by contacting the Town Offices.

The presentation included:

NH DES has no authority over withdrawals started prior to 1998. The Sub-committee recommended the permit process should include, but should not be limited to enforcement and/or oversight of: drilling the well, preliminary application, public notification and request for public hearing, withdrawal testing, final report, second public notification and hearing, permit decision, and then any appeals to the Water Council, Superior Court, and then Supreme Court. There is nothing to prohibit anyone from drilling a well on their own land but permitting and notification of that action would come from local requirements only. Any adverse conditions determined from drilling the well must provide some type of remediation, which typically is a reduction in the amount of water withdrawn.

Recommendations from the sub-committee included: a mandatory public hearing versus only a requested hearing; increasing the length of time for the public comment period; directly notifying abutters of the proposed withdrawals; allow the municipality to have a third party expert review of tests which is paid for by the applicant; clarify municipal oversight of permits by establishing local oversight via RSA 485:C-15; clarify municipal authority to regulate land uses with zoning variances; enable municipalities to regulate the withdrawals the state does not regulate with site plan reviews and subdivision regulations, specifically well yield adequacy testing and water use availability and adverse impact studies; future use with a state and municipal partnership consumptive water use capacity plan, specifically guidance developed by NHDES to estimate the capacity of the watershed, estimate how much water is currently displaced through use from a small watershed, estimate future use, estimate the maximum amount of water that can be displaced in the future, NHDES reviews and approves the plan, enable towns to make land use decisions in accordance with the plan (through a zoning overlay based on the plan), and NHDES must ensure any proposed large groundwater withdrawal is consistent with the local water plan prior to approval. It is important for the Town to clarify the needs of the Consumptive Water Usage Plan (CWUP), should HB1353 pass, as it would establish municipal priority for the groundwater versus the large groundwater withdrawal applicant.

Mr. Kernan stated there are actions municipalities can take to assist them in overseeing the groundwater withdrawal process. The available water management tools included: having a model water study and well yield site plan review/subdivision regulations; model consumptive water use

Minutes
Nottingham Selectmen's Meeting
August 27, 2012

88 plan and make it available in the Master Plan, water use estimating methods, and automated tool to
89 estimate the capacity of any subwatershed in NH. There are wording examples available for
90 municipal use; however, it should be utilized carefully as it could create a very conservative
91 reaction, possibly limiting development in a community.

92 Representative Tasker stated there may be a requirement to establish the yield of a new well, which
93 could increase the cost of construction of a new well and there is concern about setting the
94 requirements too high, potentially preventing some new homes from going in. Mr. Kernan stated
95 there are different levels of well requirements; but the testing results should be for what a typical
96 family would use on average.

97 Chair Bonser stated the biggest issue and concern, despite all the positive recommendations, is that
98 municipalities want to have say with the issuing of large ground water withdrawal permits and the
99 easiest way to give that control back is to remove the "other than groundwater withdrawal"
100 language from RSA 485:C-20.

101 Representative Spang stated these words caused considerable debate. Local municipalities should
102 have control over water, and agree that the water resources of a community allow it to grow or not.
103 However, in a desire to protect individual town rights, there is the concern of one municipality
104 having more control regarding an issue versus the surrounding municipalities. The problems start
105 when municipalities operate under the idea that the water within its boundaries only affects itself,
106 when in reality, the water affects more than just the local municipality it also affects the
107 municipalities immediately surrounding and beyond it.

108 Ms. Roman stated even with the removal of the four words, each municipality must come up with
109 something to establish a consumptive water use plan; creating a vetted method about establishing
110 large groundwater withdrawals. The important part is the need to defend the statutes; creating
111 uniformity for municipalities, regional development, and scientific basis to stand up to argument
112 and challenge and to prevent withdrawals when necessary.

113 Mr. Kernan completed the presentation with the known challenges of the suggested approach
114 stating it is unlikely that municipalities will have the financial and technical resources;
115 municipalities could have redundant spending for completing the same tasks. It is important to
116 recognize that municipal boundaries and watershed boundaries do not coincide or automatically
117 enable regional plans if municipalities cooperate, and if municipalities don't cooperate, it could
118 allow single towns to try and protect their part of the watershed. It could become more difficult for
119 municipalities to determine or manage the issues regarding watershed boundaries, especially when
120 they are attempting to cooperate with neighboring municipalities. NH DES does have these
121 resources and can help establish a baseline approach for all those involved by working together.
122 Mr. Kernan stated NHDES does not have the statutory authority to require any of the steps. The
123 biggest change in the recommendation would be not in 20, but in 21 which is the section that
124 requires NHDES to consider the consumptive water use plan in local zoning regulations.

125 Representative Spang stated the proposal was given to the legislature, but due to dramatic changes
126 of legislative representatives the proposed statutory changes would not have been voted for. Ms.
127 Roman stated there was previously a lot of municipal support to this plan to help it move forward
128 and there could be again, if someone was willing to bring up the issue again. The following website
129 includes information regarding the recommendations www.nhgroundwater.com.

130 Rep Tasker recommended attempting to get the NH Water Well Board to support the changes. Mr.
131 Carpenter stated there has been a lot of discussion about giving municipalities more control;

Minutes
Nottingham Selectmen's Meeting
August 27, 2012

including multiple levels of action by the municipality, state agencies and Representatives, to determine if, when, and what action can be brought forward.

Discussion took place about what could potentially happen with only the removal of the four words from 485:C-20.

General discussion took place about the scenarios of different parts of the recommendations and what it could mean for municipalities, providing studied results, lowering the cost, and becoming more defensible.

Mr. Kernan stated there is a list of towns who are specifically interested in the possible authority of large groundwater withdrawal that could be contacted to bring up the issues again.

Mr. Rafter asked about the actual status of the USA Springs permit. Chair Bonser asked Mr. Kernan to establish the status of the permit and get back to the Town.

Mr. Carpenter stated he likes that the plan because it helps towns with supportable reasons to prevent this from happening in the future; giving municipality's the path to say no effectively, and having the decision backed by both NH DES and the municipality.

The Selectmen thanked all those who attended.

OUTSTANDING MINUTES: The approval of minutes was postponed to the next meeting.

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 8/27/12 manifest.

Vote: 3 - 0 in favor.

SIGNATURE FILE:

The Selectmen signed the Forest Fire Reimbursement forms.

Mr. Brown reported the suggested changes to the Solid Waste contract were agreed upon by Waste Management, the contract was updated, and the new costs will be effective as of September 1.

Motion: by Mr. Rafter, second by Mr. Carpenter to sign the Solid Waste/Transfer Station Agreement under cover letter of August 8.

Vote: 3 - 0 in favor.

Mr. Brown reviewed the new employment forms for Mr. Lenwood Brown and Mr. Pevear Sr.

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the recommendation of Chief Vilchok to hire Len Brown as the firefighter/EMT.

Vote: 3 - 0 in favor.

Mr. Brown indicated the Fire Warden recommendations received their annual updates.

Mr. Brown stated the LGC voting delegate must be appointed for the annual LGC Legislative Policy Conference. The Selectmen would still need to review each proposed LGC action and how each should be voted on.

Motion: by Mr. Rafter, second by Mr. Carpenter to appoint Mr. Charles Brown as the voting delegate to the 2013/2014 Legislative Policy Conference for the NHMA.

Vote: 3 - 0 in favor.

Chair Bonser signed the appointment form for Mr. Brown to be the voting delegate for Nottingham which would be returned to the LGC.

General Business:

Minutes
Nottingham Selectmen's Meeting
August 27, 2012

Discussion took place about when each of the Selectmen would be attending the September 11, 2012 General Election day for official coverage. Mr. Rafter would cover from 7:00 am to noon, Chair Bonser would cover noon to 4:00 pm, and Mr. Carpenter would cover the time period after 4:00 pm. Chair Bonser would remain at the polling place until Mr. Carpenter was able to arrive due to his attendance at the previously scheduled USA Springs Trustee's meeting.

Chair Bonser asked if the space needs for the school has been reviewed by the school in preparation for the quarterly meeting. Mr. Brown stated it had not. Chair Bonser stated the issue would be reviewed again at the next quarterly School Board and Board of Selectmen meeting.

Mr. Brown stated direction is needed for Attorney Donovan on the new health and safety ordinance, which must be given to the Planning Board as soon as possible to make it on the March 2013 warrant. Mr. Carpenter stated Attorney Donovan hasn't responded to the original question.

Chair Bonser asked if a meeting should be held with Attorney Donovan regarding the water and health and safety zoning ordinance and for a review of other legislative issues. Mr. Rafter asked to get the recommended wording by email for review, before making a decision to hold a meeting. Mr. Carpenter agreed to get the language ahead of time to possibly avoid a meeting. Mr. Brown would clarify with Attorney Donovan the wording needed to modifying the existing water ordinance, in Section 5, to include the needed health and safety information.

Mr. Rafter requested that the Selectmen have a booth during Nottingham Day and could provide information on the Voter ID information, answer general questions, and maybe raffle off four or five of the Waste Management bags (The Baggster), and it was agreed upon by all Selectmen.

Mr. Brown reviewed that the new PEG/Channel 22 equipment is causing some problems in the office, as the noise from the fans is very loud. The possible solution is a sound proofing case, but it is expensive. Mr. Carpenter asked if it could be possible to relocate the equipment versus buying a sound proofing box. Mr. Brown stated he would review the possibility of moving the equipment. Ms. Wirkkala stated she contacted the school to determine who would be creating the school Bulletin Board Slides, which would be posted on the Town channel, until the School channel is up and running. The school Tech Director will be the person updating the school information.

Mr. Brown reported the server crashed on Saturday. Portions of the server will need to be rebuilt and replaced. The crash also established there are portions of the Avitar property and tax collect systems that were not being backed up correctly. Corrections are planned for backing up all town systems. Some information will need to be re-entered by the Tax Collector and Assessing Clerk because of the back-up failure and crash. Mr. Rafter stated the Town should review a backup policy for the Town. Mr. Brown stated it didn't have one and there was agreement that one was needed.

Ms. Wirkkala reviewed upcoming Selectmen appointments and meetings.

ADJOURNMENT: Having no further business,

9:20 PM **Motion:** Rafter, second Carpenter to adjourn.

Vote: 3 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala