

**Minutes
Nottingham Selectmen's Meeting
December 28, 2012**

8:10 AM Mr. Rafter opened the meeting.

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

Others: Charles A. Brown Town Administrator, Dawn Wirkkala Secretary, Linda Fernald, Jim Fernald, Chris D'Eon, Nelson Thibault, Sandra Vilchok, Heidi Carlson, Chelli Tennis, Pat Desrosiers, Chris Mills, Grace Russell, Chuck Cosseboom, Jaye Vilchok

APPOINTMENTS: 8:00 Jim Fernald/Chuck Cosseboom, Rymes Propane

8:00 AM: Mr. Fernald asked the Selectmen for assistance in establishing the specific issues that need to be addressed and what items need correction for the Fire Chief's concerns in order to finalize the process and get building permits. The Planning Board and Zoning Board processes have been completed and approval from both boards received for the installation of a propane facility for retail selling of propane at the Fernald Lumber yard.

Chief Vilchok reported the information being requested has been previously provided to the Fernalds and Rymes in multiple letters over the past year; clarification is needed on a list of items, including an additional review and response to changes in the proposed plan from a certified fire protection engineer, which should be paid for by the applicant. Chief Vilchok stated he has requested information from the State Fire Marshall and is waiting for response. The Chief requested to have the final plans submitted as there have been changes, multiple draft plans have been received, and he didn't know which where the final plans. The Chief reviewed three specific issues regarding his review; where is the water going to come from during an emergency, egress concerns with access being one route only and the initial emergency response plan for the owner/operator. The items reviewed were not the only items needing to be addressed and the Chief stated he recommended against reviewing or discussing technical details during the Selectmen meeting without any supporting documentation.

Chief Vilchok reviewed his concern of possible conflict of interest between the building inspector, Paul Colby and the engineering firms. Mr. Colby clarified the indicated relationships were from years ago; while he was employed by the City of Concord and a job offer that was refused. The Selectmen agreed there wasn't a conflict of interest; working relationships with people who are in a similar business does not represent a conflict. Mr. Brown agreed there wasn't a conflict of interest and previously discussed the issue with Mr. Colby after which he directed Mr. Colby to continue.

Mr. Fernald stated he believed all questions and concerns were previously answered and didn't understand the specifics of what still remained to be submitted as necessary; if additional issues and items need to be addressed he requested one new complete list of all items. Mr. Rafter asked about the bridge corrections and Mr. Fernald answered that the bridge corrections have been completed to the satisfaction of NH Department of Transportation. Mr. Cosseboom stated he would like to have an answer to the building permit request, either an approval or a denial; if a denial is issued he wanted a specific list of reasons why the permit application was denied.

After review of the process and discussion the Selectmen determined in an effort to eliminate additional delays the Chief would contact the fire protection engineer to establish a cost to review the final plans that were submitted to the Planning Board. Mr. Colby would submit the newest plans to the Chief for his review. The final submitted plans should be reviewed by the Chief in order to establish one complete list of any additional items or issues needing answers or correction.

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Chief Vilchok stated he needed from Rymes a letter of transmittal submitted stating the fire safety analysis is code compliant and stated the items requiring review. He will then request a quote from Mr. Sherman for the cost of this review. The cost will have to be agreed to by the applicant before the review is done.

Mr. Carpenter stated he was opposed to the project taking so long to complete, wants to move the process along quickly and suggested the Selectmen have a conversation about the possibility to assist in the process of getting the final report from the fire protection engineer.

GENERAL BUSINESS/REVIEW:

Expenses/Encumbrances: Mr. Brown reviewed the encumbrances: Cemetery Trustees to complete the survey, Fire/Rescue for radio maintenance and fire protection gear, office equipment, supplies and equipment, vehicle maintenance, Town Hall for the remaining balance due for the new Town Hall signs; new contract for installation of a new light in the upper parking lot with PSNH, completion of work on the Dame School steeple, completion of the Lee Farm survey for the conservation easement and payment to the state of NH to release the lien, and Police Department ammunition that was back ordered. Mr. Brown reported the encumbrances being requested will come from the specific budget lines that were allocated for these specific items.

Mr. Rafter asked about the work needed for the Lee Farm property and if the funds could be encumbered. Mr. Brown stated they could be encumbered.

Motion: Mr. Carpenter and Mr. Rafter seconded to encumber the funds as proposed by Mr. Brown in the amount of \$41,133.00.

Vote: 2 – 0

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the PSNH proposal to install lighting in the upper parking lot area of the Town Offices.

Vote: 2 – 0

Mr. Brown stated Chair Bonser sent her apology for not being able to attend.

USA Springs: Mr. Mills reviewed the status of action taking place regarding the USA Springs property and their bankruptcy case. Communication has been received by a party in California, the water ordinance was forwarded and the Community Environmental Legal Defense Fund (CELDF) attorney Mr. Linzey responded.

Town Hall Power: Mr. Carpenter asked if there has been new communication regarding the power supply company offer. Mr. Brown stated he received information but hasn't yet responded. Mr. Carpenter stated he spoke with the gentleman about the issue, specifically the issue of company failure and feels his concerns have been alleviated. Mr. Carpenter stated he understands that this is a brokerage of the power supply rate from large power supply company; the contract is through the actual power company. He indicated discussion has been taking place with all the towns in the SAU district and would allow all the towns to continue negotiating power rates. It was stated even if the Town enters an agreement, there would no loss of power; if it doesn't come from another supplier it will always come from PSNH. Mr. Brown stated the power is the cheapest part of the bill; it is usually the delivery fee that is the higher cost.

OUTSTANDING MINUTES: There was agreement to postpone minute approval.

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MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 12/28/2012 manifest.

Vote: 2 - 0 in favor.

ADJOURNMENT: Having no further business,

9:36 AM **Motion:** by Mr. Carpenter, second by Mr. Rafter to adjourn.

Vote: 2 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala