

**Minutes
Nottingham Selectmen's Meeting
March 25, 2013**

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, Chris Albert, James Twombly, Susan Mooney, Celia Abrams, Robin Comeau, Paul Comeau, Cheryl Smith, Mike Russo, Clifford Bullock

MANIFEST SIGNATURE:

Motion: by Mr. Carpenter, second by Mr. Rafter to approve the 3/25/2013 manifest.

Vote: 3 – 0 in favor.

General Business and Department Reports:

Highway Department: Mr. Albert presented information to the Selectmen about a possible grant to assist in completing the work on the Town Sand Pit Bridge project planned for 2013. A pre-application proposal will need to be completed and submitted to NH Department of Environmental Services by the end of April for the Aquatic Resource Mitigation Fund Program. The proposal would be for proposed bank stabilization with the new bridge to protect existing wetlands. Mr. Albert asked the Selectmen for permission to complete and return the application to NHDES.

Chair Bonser stated if grant funds become available for the bridge, it might be possible to complete other additional road projects.

Mr. Rafter asked about the amount of grant money that would be requested. Mr. Albert stated he would request \$25,000.00.

Chair Bonser asked if additional requirements for the bridge would be needed by using the grant money, that wouldn't otherwise be required. Mr. Albert stated he didn't believe so, but additional information regarding the project will be needed if the proposal is selected by NH DES.

Motion: by Mr. Carpenter, second by Mr. Rafter to allow Mr. Albert permission to complete and submit the pre-application for the Aquatic Resource Mitigation Fund Program.

Vote: 3 – 0 in favor.

Recreation Department: Mr. Brown reported Ms. Horvath has requested permission to purchase new light weight conference tables, replacing the older heavy tables currently in use and a new cart for table storage. The existing tables are in rough shape, breaking and are too heavy for only one person to move around, and the existing cart is also in rough shape. The amount would be shared between the recreation revolving fund and administration equipment fund.

The Selectmen agreed to the joint purchase of new 8 foot tables and a new cart between Administration and the Recreation Department.

Ms. Horvath also was requesting permission to use \$200.00 to file a Wetlands Application. The application is required in order to move rocks at the Town Beach, mentioning specifically that the large rocks are a potential liability for citizen injury. Mr. Mark West has been asked to complete the application and it was requested that he be the authorized agent for this project.

Motion: by Mr. Rafter, second by Mr. Carpenter to apply for a Wetlands Permit at the Town Beach and to appoint Mr. Mark West as the authorized agent for submitting the application.

Vote: 3 - 0 in favor.

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Town Office: Mr. Brown reported there is information coming from other Town Mangers about the proposed legislative changes to the gas tax and would like to know if the Selectmen wanted to express an opinion regarding the matter.

Chair Bonser stated she is opposed to the tax if the funds can be taken and used for purposes other than the proposed road and bridge maintenance. It was stated the legislature could change that type of requirement at any time.

Mr. Rafter stated despite already high gas prices the town should support the increase in the tax, and asked if the Town was exempt from gas taxes. Mr. Brown stated he believed the Town is exempt. Mr. Rafter stated the money will make its way back to the town; money is either raised to fix the roads and bridges or they will be shut down.

Chair Bonser stated her concern is that the money should be exclusive to road repair and maintenance and it isn't what has happened to the funds in the past.

Mr. Carpenter stated he is irritated with any entity that makes poor choices with specific funds and then requires citizens to pay more and make up the difference.

Mr. Rafter stated he believed the new tax would pass and Mr. Brown agreed. Chair Bonser stated a statement should be sent making mention about using the money for its intended purpose and using it wisely.

Mr. Carpenter stated the roads and bridges need to be maintained. Mr. Rafter stated Nottingham has received funds from the state to help maintain local road and bridges in the past.

Mr. Rafter stated while the tax has remained level over the past 20 years, the cost for repairs has increased.

The Selectmen decided the answer from the Selectmen would be a split answer, in support because of the needed repairs and not in support because of the use of the prior collected monies that were spent on things other than the roads.

Motion: Mr. Carpenter, second by Mr. Rafter to approve and sign the form MS-2.

Vote: 3 - 0 in favor.

Mr. Brown stated a request has been received by Mr. Perron to receive minutes and agendas. The Selectmen did not object.

OUTSTANDING MINUTES:

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the February 11, 2013 meeting as amended.

Vote: 3 – 0 in favor.

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the February 25, 2013 meeting as amended.

Vote: 3 – 0 in favor.

Motion: by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the March 11, 2013 meeting as amended.

Vote: 3 – 0 in favor.

Ms. Wirkkala stated she received notice about a possible error in the previously approved January 28, 2013 minutes and requested permission of the Selectmen to verify the information. The Selectmen approved.

APPOINTMENTS: 7:00 pm: Conservation Commission, 7:15 pm: Robert Sprague, 7:30 pm: None

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7:00 pm: Ms. Mooney, Ms. Abrams and Mr. Russo spoke about the suggested reading material; NH Department of Transportation Snow Removal and Ice Control Policy, the Green SnowPro Certification, a UNH study on Salinization of Urbanizing NH Streams and Groundwater: Effects of Road Salt and Hydrologic Variability, an LGC article about Salt in Our Waters, and other information provided by email.

Mr. Carpenter stated concerns have been expressed about brine methods, some of which use chemicals, not just water and salt. Mr. Carpenter asked if it was the intent of the request to reduce the amount of salt versus uses of alternative chemicals and there was agreement by Conservation Commission (CC) members for reduction of salt use.

Mr. Russo stated over the last several years with more road and traffic studies have shown an increased amount of salinization.

Chair Bonser stated while the amount of road salt being used should be reviewed, she asked about the use of salt in water softeners and there was agreement it could also be part of the problem.

Ms. Abrams stated she believed the bulk of salt problems comes from the use on the roads versus home use and if road salt can be reduced it is a good first step. Chair Bonser stated it also the storage of the road salt as well.

Chair Bonser asked about standards of salt and water quality and Mr. Russo responded there are federal health standards and toxic levels. Mr. Russo stated drinking water quality and sodium chloride isn't harmful to humans, only aquatic life.

Chair Bonser asked about the acceptable levels and if there was any other information the CC would bring forward. Ms. Mooney stated the report discusses all areas of trouble and will have additional information as research moves forward.

Mr. Rafter asked if the State of NH will reduce the amount of salt used on state roads based on a Town request and what are surrounding towns doing to address this concern. It was stated that it appears NH DOT will adjust the amounts of salts used on the roads within Town if a request is sent by the Selectmen. It was stated other communities would be contacted, in a mini study, to determine how much salt is being used in their communities. Chair Bonser stated it should be a regional approach.

Mr. Russo stated Nottingham is ahead of other towns with looking at this subject, others are also starting the process, but it is still new information. Ms. Abrams stated they are looking for a balance between being safe on the roads and keeping water safe. Ms. Smith distributed information from NHDES stating there may be additional federal funding to assist with finding alternatives.

Mr. Fernald stated he used approximately 650 to 675 tons of salt during January 2012 to December 2012; the estimate based on the amount purchased and the amount that remains unused. Mr. Fernald stated the ratio of salt and sand used will be different based on the type of storm received and very little salt is used on the dirt roads. Mr. Fernald stated the Conservation Commission should ask what other towns are using for comparison; he asked Strafford and they use 1200 tons and Hopkinton used 3000 tons. Safety is an issue for Road Agents and keeping ahead of the storm if possible. Nottingham does a pretty good job with salt use and keeping roads safe.

Mr. Carpenter stated the SnowPro information has to do with alternatives to salt and asked about establishing a measurable objective. There was agreement that calibrating the equipment, being trained on equipment use and ongoing training will help, but no measurable objective was offered and no baseline has been set.

Mr. Fernald was requested to provide more information about how much salt was used.

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Chair Bonser asked about the total miles of Town Road and it was stated there was approximately 50 miles of asphalt roads, parking lots, town areas needing clearing and salt and sand.

Mr. Fernald stated he did not use salt during the last storm because there was enough remaining from the prior storm. However, it is a different story when roads need plowing and using sand and salt, because people are out on the roads at all times during the day and night.

Mr. Russo stated he would request the LRAC members to gather additional information about surrounding towns and their use.

Ms. Smith stated there are additional concerns about spreading knot weed with the moving and spreading of sand and road maintenance. Mr. Doug Cygan from NH Department of Agriculture would be willing to come in and talk about the issue with the severely invasive weed. Chair Bonser asked about herbicide and Ms. Smith stated a license is required to use the herbicide. The license class is run by NHDES Agriculture and Ms. Smith will notify the Town when it will be held during the fall.

Mr. Rafter asked about the potential cost to hire a contractor to spray the herbicide, and the answer was unknown and Chair Bonser suggested working on the elimination in a quadrant basis.

Ms. Mooney asked if further meetings should be scheduled and Chair Bonser stated not at this time, information should be shared via email and notice should be sent about class dates.

7:15 pm: Stevens Hill Road/Mr. and Mrs. Comeau. Mr. Comeau expressed concern about the road condition on Steven Hill Road, with the appearance of more and more problems specifically on the Deerfield end. There are a number of potholes and rocks protruding in the road. The road maintenance is not holding up with the significant traffic and it has been graded down approximately 2 to 2 1/2 feet causing problems with driving especially during this wet season.

Chair Bonser stated this is one of the worst seasons she has seen in a while because of partial thaw and then more snow. Mr. Brown stated the type of winter can lead to what will happen during the spring.

Mrs. Comeau stated the road is now wider, which is nice; however people drive faster and are less courteous as they drive.

Chair Bonser stated people should slow down on the dirt roads and use common sense when driving; dirt roads are not the same as paved roads.

Mr. Rafter stated the increased amount of traffic caused the need to widen the road, unfortunately resulting in faster traffic.

Mr. Fernald stated the hill section is a problem, and the road should be built up in that area, although the top of the hill has seen significant improvements. Mr. Fernald stated significantly more stone would be needed to improve the hill area and could be a six week project; stone and drainage on both sides of the road will be needed to make significant improvements. Mr. Fernald stated Poor Farm Road needs hill work as well.

Mr. Carpenter asked if Stevens Hill Road can be added to the road improvement list and Mr. Fernald stated he can take some steps to make improvements now, it is on the list, but a lot of material will be needed.

Mr. Fernald stated he has graded the majority of Town Roads since March 1 and work will take place in the next couple of weeks.

Power Contract: Mr. Brown reported the contract is waiting approval from SAU #44, causing the delay.

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Mr. Carpenter stated an alternative offer has been received and might be something to be considered; not as large of a saving, but still a savings.

Mr. Russo stated for personal use power supply contracts appear to be a great deal, at the beginning, but there seems to be an increase in the charge after two or three months and then they will charge you a fee if you try to change back to your regular electric company.

Mr. Carpenter stated the proposed contract is on a larger commercial scale with a guaranteed price for 24 months from a large scale distributor.

Afterschool Program: Chair Bonser stated a letter has been received from Alternate Kids for Daycare and their continuing to provide services for the afterschool program. Chair Bonser requested an April 17th joint meeting between the School Board and Selectmen and this topic should be added to the agenda.

Rymes/Fernald Project: Mr. Brown reported the Town has not been served any legal papers from the Fernalds or Rymes. The Town has requested help in resolving the issue with the fire safety analysis review.

Chair Bonser stated there was an announcement at the prior School Board meeting that the Town had been served and asked if the Town should respond to the rumor. Mr. Carpenter stated the issue has been cleared up and doesn't need a response.

Mr. Brown asked who the Chair of the School Board was and the answer was believed to be Sue Levenson.

Public Access Channel: Mr. Carpenter reported the necessary cables were run at the school by Comcast on Friday. The system unknowingly needed to be reset with the changes and nothing was broadcasting over the weekend, but it is now working fine. There has not been a live test of video since the change and Ms. Wirkkala would reach out to Kevin Smith at the school to try for a live test.

Selectmen Job Description: The Selectmen reviewed the draft job description provided by Mr. Rafter.

Chair Bonser stated she believed that the job description is a solution in search of problems and reviewed her concerns about some of the proposals. Chair Bonser stated she feels the Selectmen should not establish the Agenda and to do so could cause problems. The Town Administrator should continue establishing the Agenda, with input for topics from all Selectmen as needed and as it has been done in the past. Chair Bonser stated she is concerned about Selectmen discussing any issues via phone or email giving the impression of holding an un-posted meeting.

Mr. Rafter stated he believed the Chair should review the agenda before it is posted.

Mr. Carpenter stated if the agenda is distributed by an outside source on a Friday, it may cause trouble by adding additional items at a later time and re-posting the agenda at the town; however, there should be an attempt to find the middle ground and get more citizens to participate.

It was stated the agenda could be changed without causing a problem with the 24 hour notice.

Mr. Carpenter stated he brings up issues not specifically listed on the agenda during the Other Business section and Mr. Brown stated you will never be able to include all items discussed at a meeting on the agenda.

Chair Bonser questioned the job description for managing all board meetings. Mr. Carpenter stated it is only a description of what the Chair does.

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Chair Bonser stated she believes the Selectmen should vote to determine if they should have a liaison to the School Board and information provided by the LGC stated it isn't legal to have an ex-officio position.

Mr. Carpenter stated if the Selectmen and School Board continue with quarterly meetings to discuss questions, concerns and resolve possible problems, the Selectmen may not need to have a liaison.

Mr. Rafter stated it isn't unreasonable or bad to have a liaison or representative. If the wording ex-officio isn't legal, it can be removed from the wording. The intent is to try and get information to and from the School, School Board, SAU, Selectmen and Town.

Mr. Carpenter stated in the context of a job description, the position with the School Board would be to make sure a meeting is held between the two boards on a quarterly basis.

Chair Bonser stated she doesn't believe there are any additional responsibilities when serving as Chair of the BOS and the Chair could serve on any of the committees. It was stated the Selectmen can choose to even serve on a committee for longer than one year; it sometimes takes longer than a year to understand the ins and outs of how a board works.

Mr. Carpenter stated there are four boards the Selectmen are required to be a part of; Budget, Planning, Heritage Commission, and the Capital Improvement Program but there are other's they aren't allowed to be on such as the Conservation Commission, Cemetery Trustees, and others.

Chair Bonser stated she felt it was the Chair's preference, and not a requirement, to present the Budget to the Budget Committee with the Town Administrator and Mr. Rafter agreed the Chair wasn't required to present the information.

Chair Bonser stated she felt only the Town Administrator should speak to the press; this decision was specifically made during the USA Springs issue to prevent distribution of misinformation. Mr. Brown stated depending on the situation, the Selectmen could hold an emergency meeting to discuss issue prior to making a statement to the press. Chair Bonser stated the Town Administrator could also poll the Selectmen to present a united front as the Town on an issue.

Mr. Carpenter asked Chair Bonser about how she discussed issue regarding gun control. Chair Bonser stated she never spoke on behalf of the Board or Town on the issue, only on a personal level. Mr. Carpenter stated the media issue is more sensitive and it is important to identify one spokesperson and that primary person should receive training. Speaking to the press can cause trouble by giving information of a private nature that shouldn't be given, causing more problems than solutions.

Mr. Rafter stated he agrees with training to speak to the press. Chair Bonser and Mr. Carpenter stated the issue of training should be discussed at a later date.

Mr. Carpenter stated in the spirit of a job description some of the information was fine and in addition there might be a consideration for job descriptions for the other Selectmen as well. Chair Bonser stated she would contact LGC for potential information about any available job descriptions for Selectmen.

Mr. Rafter stated the other descriptions are to create an article for the newsletter and there was general agreement to have a quarterly article in the newsletter.

Mr. Rafter stated the description is at the discretion of each board and should be reviewed at the start of each year. Future Board members may change what they want to do.

The Selectmen would continue review and discussion of the job description at the April 22nd meeting.

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Board Appointments: The Selectmen reviewed who would be liaisons to Town Boards, Committee and Departments.

Motion: by Mr. Carpenter, second by Chair Bonser to have Hal Rafter be chair of the Selectboard.

Vote: 3 - 0 in favor.

Mr. Carpenter stated individual School Board members report on what takes place on other boards and committees they are assigned to; providing a summary of those meetings they attended and the Selectmen could do the same.

It was stated typically a Selectmen hasn't been part of the Building Committee, the committee typically only reports back to the Selectmen. Mr. Carpenter stated other citizens should be encouraged to become part of Town committees.

Recycle Center: Mr. Carpenter stated he has reviewed the prior revenue and expenses of the recycle center and revenue typically is about 50% of the expense costs to remove the solid waste. There is potentially the ability to save tax dollars by increasing the amount of material that is recycled. The information is at the beginning stages and the information is still raw and being defined.

SB167 Large Groundwater Permit Process: Mr. Carpenter stated the Selectmen had minimal support from other parties for the bill, the Representatives and Senators did not speak because they were needed at their own committee meetings, the lobbyists were able to speak first and the voice of the Selectmen was heard last. Mr. Carpenter stated if the Town wants to continue with a change to the statute support must be sought from other towns, NH DES and the lobbyists in order to succeed. Language should be drafted as a joint effort between all parties and not by committee members at the State House.

Ms. Bonser stated despite years of dealing with this, the Selectmen can't stop trying. Mr. Carpenter stated the effort was a learning experience for him but a waste of effort for the town.

Mr. Rafter stated USA Springs started with the Zoning Board approving a variance. Chair Bonser stated the Zoning Board is required to approve an application based on limited information and more information should be requested. Mr. Rafter stated despite the initial wording of the request and information provided on the application, the USA Springs plan was clear from the start that it would be a large ground water withdrawal.

Ms. Bonser stated the Town must look at each request for a variance with more detailed scope and understanding before making a decision.

Mr. Carpenter stated he agrees with Chair Rafter and Ms. Bonser.

ADJOURNMENT: Having no further business,

9:30 PM **Motion:** by Mr. Carpenter, second by Ms. Bonser to adjourn.

Vote: 3 - 0 in favor.

Respectfully Submitted,

Dawn Wirkkala