

**BOARD OF SELECTMEN**  
**Minutes of January 27, 2014**

**CALL TO ORDER:** Vice-Chairman Kathleen DiFruscia called the meeting to order at 7:05 PM. Selectmen Ross McLeod, Al Letizio, and Roger Hohenberger were present; as was Town Administrator David Sullivan. Chairman Phil LoChiato was excused. Mrs. DiFruscia opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. Sullivan reminded all that the Town Deliberative Session was scheduled for the following Saturday, February 8<sup>th</sup>, beginning at 9:00 AM at the High School.

**CORRESPONDENCE:** Bond Release/Cricket Ridge: Mr. McLeod moved and Mr. Hohenberger seconded to approve the partial release of \$163,880.76. Passed 4-0.

**PINNING CEREMONY:** Police Chief Lewis approached for the pinning of the department's two (2) new Sergeants; introducing Sgt. Jessica Flynn first. He noted that Sgt. Flynn has been with the Department for 12 years; citing her many accomplishments in that tenure, including serving as School Resource Officer over five (5) years. Mr. Mike Angelo performed Sgt. Flynn's pinning; after which she extended thanks to the Town and Department for the opportunity and support. She also extended thanks to Mr. Angelo, her family, and her fellow officers.

Chief Lewis then introduced Sgt. Bryan Bliss; noting that he has also been with the department for 12 years. Chief Lewis noted Sgt. Bliss' many achievements, as well, particularly as Detective. Sgt. Bliss' wife, Katy, performed his pinning; after which he extended thanks to all in the Department, his family, and parents.

**MINUTES:** Tabled.

**CABLE AWARD:** Cable Advisory Board Chair Margaret Case and Cable Coordinator Kelly Yucupicio approached to present the 2014 WCTV Awards to volunteers Megan Peabody and Tom Nicoli.

**LAURA SCOTT/WAIVER REQUEST:** Community Development Director Laura Scott requested a waiver to utilize the Searles Facility at no charge for a series of events; including a 5/15 business seminar, 9/20 Foodie Expo, and 12/6 Holiday shopping event. Mrs. DiFruscia inquired whether the dates had been confirmed as available, and Ms. Scott replied in the affirmative. Discussion ensued regarding the policy of bumping non-paid events/meetings in favor of paid functions.

Mr. Letizio moved and Mr. Hohenberger seconded to approve Ms. Scott's waiver request to utilize the Searles facility at no charge. Passed 4-0.

*Ms. Scott* then made several announcements, including:

- For the third year, the Business Visitation program continues, with 4 locations per month being provided with a packet of information and the opportunity to ask questions of Ms. Scott.
- The Welcome Packet initiated last year, 54 of which were given out, continues as well.
- The Annual 4-Part Business Seminars, held the third Thursday of each month, will begin in February. She noted more information will be going out this week.

**PAPER STREET RELEASE:** Mr. Sullivan advised that, as part of the Cricket Ridge development, it had been discovered by Counsel that there is an old paper street off of the subdivision which had been dedicated as a future road but never formerly accepted or used. Mr. Sullivan noted that the Board has the right to release same from "public servitude", in effect giving up rights to ever use it as a roadway.

Mr. Sullivan indicated that the Planning Board had made release a condition of approval for the subdivision and as such, and in keeping with the requirements of RSA 231:51, the owner has petitioned the Board that the paper road on lot 11A-1418 be released from public servitude. Ms. Scott then clarified that the road itself is not part of Cricket Ridge.

Mr. Karl Dubay approached on behalf of the petitioner, Bob Pliskin, confirming this was not a part of Cricket Ridge; rather it is next to it and part of the 100+/- acres owned by Mr. Pliskin. He then reviewed a map of the area with the Board; noting that in 1972 the road was hand drawn onto a plan, but never dedicated or bound. Mr. Dubay noted that, although he disagreed that the release was necessary, he was present at the request of Town Counsel to do so. Discussion ensued regarding the recorded plan, and that this is not an asset that the Town owns.

Mr. McLeod moved and Mr. Letizio seconded to release the paper road as described on lot 11A-1418 from public servitude. Passed 4-0.

**PERSONNEL POLICY:** Mr. Sullivan advised that, in keeping with pending contracts, two further amendments had been made to the policy: 1) to clarify that when an employee's earned time factor changes it will do so on the payroll period closest to his/her anniversary date, and; 2) old language relative to grandfathering, which is no longer applicable, was removed. Mr. Sullivan advised that the Policy/amendments have been posted in house for the required period, with no comments received.

Mr. Letizio moved and Mr. McLeod seconded to adopt the amendments to the Personnel policy as posted. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that a letter of resignation had been received from Mr. Fidler of the Recreation Committee. Mr. Hohenberger moved and Mr. Letizio seconded to accept same with regrets and thanks for his service. Passed 4-0.

**STORMWATER PRESENTATION:** Stormwater Coordinator/Transfer Station Manager David Poulson made the attached slideshow presentation to the Board. Highlights of the discussion included:

- Last year an NOI was received for the Transfer Station, which exempts it from the regulations; and the Highway Garage is on the to-do list to obtain same. The Town landfill is not on the list, as that involves groundwater rather than stormwater.
- The Town's new permit should have been completed in 2008, however due to EPA changes/revisions there were issues with the permitting. The latest draft/comment period ended in 2013, and the EPA has yet to address NH's comments on the permit, thus it may be fall or even winter before the permit becomes available.
- Part of the delay is due to Manchester, Nashua, and Seacoast community coalitions which are pushing back at the EPA regarding proposed permitting requirements.
- There is a need for environmental regulations, however, a regionalized approach is better.
- As coordinator, Mr. Poulson has established a new Stormwater Committee comprised of himself, the Highway Agent, Community Development Director, and representatives of the Canobie Lake and Cobbetts Pond association. The Committee will re-establish efforts on the six permitting elements and designate responsibilities for same. A consultant will be retained to do the new NOI.
- Local regulations/watershed ordinances aimed at assisting in stormwater control were discussed, as were the CPIA's efforts thus far in the form of grants, rain gardens, etc.

Thanks were extended to Mr. Poulson for his presentation.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. Roll call vote - all “yes”. The topic of discussion was legal and the Board, Mr. Sullivan, Mr. Poulson and Ms. Devlin were in attendance in the first session.

Mr. Sullivan updated the Board on a legal matter relative to breach of contract. It was the consensus of the Board that staff proceed with a revised contract as discussed.

*The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the remaining sessions.*

Mr. Sullivan updated the Board on two (2) potential legal matters. No decisions were made.

Mr. McLeod moved and Mr. Hohenberger seconded to adjourn. Passed 4-0.

Meeting was adjourned at 9:05 PM

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*

# STORMWATER REGULATION AN OVERVIEW



# REGULATORY HISTORY

- CLEAN WATER ACT WAS IMPLEMENTED IN 1977 BY CONGRESS TO IMPROVE THE QUALITY OF OUR NATION'S WATERS DUE TO SEVERE POLLUTION.
- DECADES OF AMENDMENTS TO ENHANCE THE ACT'S EFFECTIVENESS AND PROTECTION.
- REGULATED BY US EPA OR A STATE ENVIRONMENTAL AGENCY CALLED PRIMACY (CT, VT, RI, & ME).
- NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) – REGULATES MUNICIPALITIES, CONSTRUCTION, & INDUSTRIES BY OPERATIONAL PERMITS.

# IMPAIRED WATERS

- THROUGH TESTING PROGRAMS, US EPA & STATE ENVIRONMENTAL AGENCIES IDENTIFY WATERS THAT SHOW EXCEEDANCES OF NATIONAL OR STATE WATER QUALITY STANDARDS.
- THOSE WATERS ARE PLACED ON AN US EPA LIST KNOWN AS THE 303 D LIST WHICH STATES THE EXCEEDED PARAMETER(S).
- THOSE WATERS ARE PROTECTED BY SETTING PARAMETER REQUIREMENTS IN A NPDES PERMIT. THIS PERMIT CONDITION IS CALLED A PARAMETER DISCHARGE LIMIT, I.E., TMDL.
- WINDHAM HAS TWO IMPAIRED WATERS FOR CHLORIDE (SALT); DINSMORE BROOK & NORTH TRIBUTARY TO CANOBIE LAKE.
- ALL SOURCES THAT IMPACT THOSE IMPAIRED WATERS THROUGH A WATER SHED SYSTEM NEED TO REDUCE SALT AMOUNTS AND KNOWN DISCHARGERS COLLECTIVELY NEED TO MEET THE PARAMETER LIMIT THROUGH ALLOCATIONS.

# FACTS

- APPROXIMATELY 45% OF SURVEYED U.S. WATERS ARE IMPAIRED BY POLLUTION. MAJOR SOURCE OF POLLUTION IS CAUSED BY STORMWATER IMPACTS.
- 1 QUART OF OIL CAN CONTAMINATE 250,000 GALLONS OF WATER; 1 PINT PRODUCES AN ACRE OIL SLICK.
- 1 TRILLION GALLONS/YR OF UNTREATED SEWAGE & INDUSTRIAL WASTE DISCHARGED IN US WATERS.
- 2 BILLION POUNDS/YR OF PESTICIDES WASHES INTO RIVERS & LAKES.
- INCREASE VOLUME & RATE OF RUNOFF DUE TO MORE IMPERVIOUS SURFACES.
- MORE URBANIZATION, ESPECIALLY AROUND WATER BODIES.



















NO  
DUMPING

# WHAT IS THE SW REGULATION?

- STORMWATER PHASE I: ENACTED IN 1990.
- LARGE COMMUNITIES – 100,000 OR GREATER.
- CONSTRUCTION SITES – 5 ACRES OR GREATER.
- 10 SPECIFIC INDUSTRIAL ACTIVITIES.

- STORMWATER PHASE II: ENACTED IN 2003.
- SMALL COMMUNITIES – 100,000 OR LESS.
- CONSTRUCTION SITES – 1 ACRE OR GREATER.
- 10 SPECIFIC INDUSTRIAL ACTIVITIES.

# WHAT'S REQUIRED?

- SUBMIT NOTICE OF INTENT (NOI) OR "NO EXPOSURE" PAPERWORK TO US EPA.
- DEVELOP & IMPLEMENT A STORMWATER POLLUTION PREVENTION PLAN (SWPPP); PRACTICE BEST MANAGEMENT; REPORT TO EPA & STATE; EPA & STATE AUDITS.

# TYPES OF PERMITS

- MULTI-SECTOR INDUSTRIAL GENERAL PERMIT (MSGP).
- CONSTRUCTION GENERAL PERMIT (CGP).
- MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT (MS4GP).

# WHAT IS A MS4 SWPPP?

- A LIVING DOCUMENT THAT CONTAINS SIX PROGRAM ELEMENTS & TAILORED TO THE COMMUNITY. EACH ELEMENT HAS BMPS TO FOLLOW AND MONITOR.
  1. PUBLIC EDUCATION & OUTREACH.
  2. PUBLIC PARTICIPATION / INVOLVEMENT.

3. ILLICIT DISCHARGE DETECTION & ELIMINATION.
4. CONSTRUCTION SITE RUNOFF CONTROL.
5. POST-CONSTRUCTION RUNOFF CONTROL.
6. POLLUTION PREVENTION / GOOD HOUSEKEEPING.

# WHAT CAN OUR COMMUNITY DO?

- PUBLIC PARTICIPATION.
- VOLUNTEER MONITORING & SURVEILLANCE OF WATER CONVEYANCE SYSTEMS & WATER BODIES (VLAP).
- CIVIC ACTION PROJECTS (CLEAN-UPS).

- REDUCE SURFACE WATER POLLUTION @ HOME AND AWAY.
- ADOPT A WATERWAY OR WATER BODY.
- BECOME EDUCATED TO TOPIC AND CARE.

# HOW SHOULD WE FEEL?

- ANOTHER NON-FUNDED MANDATE, MORE BUREAUCRACY, MORE REGULATION, SPEND MORE MONEY, HARDSHIP, ETC.



- EFFORT TO PRESERVE, PROTECT, AND IMPROVE THE NATION'S / WINDHAM'S WATER RESOURCES.

# THE IDEAL SOLUTION: NO POLLUTANT/NO PROBLEM

- DIFFICULT TO LOCATE POLLUTANT SOURCE(S); NON-POINT SOURCE.
- COSTLY & DIFFICULT TO TREAT OR UNABLE TO TREAT POLLUTANT.
- MAY NOT BE ABLE TO RESTORE THE WATER QUALITY; WILL CHANGE THE ECOSYSTEM; WATER WILL CONTINUE TO DEGRADE.
- IMPACT TO RECEIVING WATER MAY CAUSE ACUTE (TOXIC) DAMAGE.
- DIFFICULT TO STOP THE CAUSES.

# TEAMWORK

- REGULATORS
- REGULATED (45 COMMUNITIES)
- LEGISLATORS
- CIVIC GROUPS

# HOW DO I GET INFORMATION?

- U.S. EPA @ (202) 564-9454
- INTERNET @ [WWW.EPA.GOV/NPDES/STORMWATER](http://WWW.EPA.GOV/NPDES/STORMWATER)
- NH DEPT. OF ENVIRONMENTAL SERVICES  
@ (603) 271-2984 – CONTACT: JEFF  
ANDREWS
- INTERNET @ [WWW.STATE.NH.US/DES/](http://WWW.STATE.NH.US/DES/)
- WINDHAM @ (603) 965-1049 – CONTACT:  
DAVID POULSON