

**TOWN OF NOTTINGHAM**  
**Selectmen's Meeting**  
**February 28, 2011**

6:35 PM, Chair Bock opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Peter Bock, Gary Anderson, Mary Bonser

Guest: Brian Stucker, Town Moderator

Others: Charles Brown, Town Administrator; Traci Chauvey, Recording Secretary; John Morin; John Decker; Karen Decker; Hal Rafter; Chris Mills; Gail Mills, Lawrence R. Smith; Jim Ovens; David Finn; Gail Fensom; Harry Fensom; Bob Rydeen; Don Sprague; June Proko; Donna Danis; Kevin Jordan; Al Ackermann; Dan Burke; Michael Ouellette; Eric Jennings; Lisa Carey; Joan LaBlanc; Kelley Hall; Robert Sprague

Chair Bock, noting the lack of topics on the agenda, thanked the many members of the audience for coming to see him off at his last meeting as a selectman. He then inquired, by show of hands, how many had come to discuss the emergency lane issue. At no show of hands, he, once again, thanked the audience. Mr. Ackermann and Mr. Fensom raised their hands.

Chair Bock explained that he would allow broad general discussion of the issue with people speaking from their seat in the audience. He asked Mr. Brown to speak first to provide any update on the issue of emergency lanes.

Mr. Brown indicated that there was not much new information. He has spoken with Mr. McGann, also a selectmen at the time the determination was made, and he does not remember the public hearing either, although he is strongly convinced that the decision was and is the right decision and was based on facts. He further noted that he spoke with Valerie Hume who was secretary to the fire department at that time. She kept extensive journals and cannot find any record of findings other than the second draft of the report she provided upon request of the fire chief. She feels strongly the emergency lanes were created because of the access they provide emergency personnel to different parts of lake. Five or six years ago, Mr. Netishen, a selectman at the time, accompanied the fire department on trips to single out specific property owners who guaranteed year round access for emergency services.

Acknowledged by Chair Bock, Mr. Fensom questioned whether a budget committee member has recommended reducing the town budget specifically targeted towards maintaining roads around the lake. Ms. Bonser indicated she is the budget committee representative and a motion had been made to reduce the budget by \$45K to not plow private roads. There was a small commotion and Ms. Mills clarified that she did not recommend ending maintenance for this year but felt it could be cut for next. Ms. Danis clarified for everyone that Ms. Mills motion was for private roads, not specifically lake roads. Chair Bock informed all he had thought the issue was with emergency lanes, not private roads. Mr. Fensom inquired about setting the budget and policy. Ms. Bonser noted the selectmen are taking the issue seriously. They feel the town should provide emergency access to as many people as possible. Ms. Bonser feels the law is on the side of the selectmen. The selectmen noted they are working to reconstruct the file. Mr. Fensom,

again, asked about the budget committee and setting of the budget. Mr. Brown informed him the budget committee has every right to cut the budget in the manner they see fit and to make whatever recommendations they deem appropriate; the selectmen have the responsibility to spend the approved funds as they see fit. He noted the selectmen attempt to maintain the budget as presented.

Mr. Anderson indicated that the selectmen are taking the recommendation of the Budget Committee to have someone from outside look at the issue very seriously. There was more discussion around reconstructing the file. Mr. Anderson indicated they are attempting to reconstruct the file so as to be able to pass it on to some for review. Ms. Mills does not agree with Ms. Bonser's interpretation of the RSA and wants an outside interpretation. Mr. Brown noted that the key item missing is the set of minutes from the November 1995 public hearing held by the selectmen. Ms. Mills indicated each road must be accepted as an emergency way on its own merits. Mr. Sprague inquired as to how long the selectmen would work on reconstructing the file and whether or not they had considered the safety of personnel on these roads. Mr. Brown indicated time spent on reconstructing the file was the call of the selectmen. Ms. Bonser felt that it would not go on for more than a couple weeks. Chair Bock noted that he is leaving office.

Mr. Ouellette inquired about the revenue generated by the homes on emergency lanes and about what prompted this discussion. Mr. Brown informed Mr. Ouellette he had attempted to obtain figures but no system report would sort and provide that kind of specific data. Ms. Mills informed Mr. Ouellette this issue was raised by her after she attended a budget seminar. There was more discussion around revenue generated by the homes on emergency lanes. Conservatively, Ms. Danis estimated these 360 homes pay \$1.4M in taxes and equal approximately 20% of Nottingham residences. She does not believe the town should spend money on an outside consultant when the decision was made in 1995 and recorded in the town report. Mr. Burke inquired about what constitutes a private road, noting that he believes these road are now public right of ways. Ms. Bonser stated RSA 231:59-a clearly lays out emergency lanes. Mr. Stucker, noting he lives on a town road, informed all he believes we should maintain these roads and not deny the safety of any resident. Mr. Ackermann explained his own experience when first attempting to build on Lamprey Drive, indicating that there may have been two separate and different lists of roads. He inquired as to whether there were still two lists of roads. Ms. Bonser explained that his situation is different from this evening's discussion, informing him building on private roads is covered under different RSAs than maintaining private roads and emergency lanes. Mr. Ackermann inquired as to whether the town could be sued for no longer providing this service to these homes. The selectmen agreed that anything could happen. Mr. Ackermann informed the selectmen that he pays \$14K per year in taxes and the only town service he receives is plowing; he would be upset to lose that benefit. Mr. Ovens informed the selectmen that the lines that go to the transformer on Indian Run, which was designated as an emergency lane in 2007, run under his road and questioned whether his road qualified as an emergency lane for this reason. Ms. Bonser told Mr. Ovens he should come speak to the selectmen. Mr. Ovens further stated the power line that serves his home as well as three or four others around him, goes under ground on his property and services Pawtuckaway State Park. Ms. Bonser, again, encouraged Mr. Ovens to make an appointment with the selectmen. Mr. Rydeen noted that losing emergency lane status could, and would, cause

residents to lose their insurance. Ms. Bonser staunchly stated these roads will continue to be maintained as emergency ways. Ms. Fensom thanked the selectmen for their patience with the public and for listening to everyone's concerns. She encouraged all to stay informed. Mr. Fensom voiced frustration over the lack of action since the last meeting. Ms. Bonser explained administration has been straight out with the impending elections and town meeting, along with the collapse of the highway garage. Mr. Fensom questioned whether the town's attorney has been contacted. There was more discussion around the missing documentation. Chair Bock indicated that the attorney will be contacted and the selectmen will move forward with what they have available.

There was discussion around the issue being raised at town meeting. Ms. Mills informed all that she had no intention of raising the issue at town meeting; she has done what she felt she needed to do. Mr. Jennings inquired about future meetings, voicing concern that he was not informed of this meeting. Mr. Brown noted that all agendas are posted. Mr. Mills pointed out this evening's agenda did not include the emergency lane discussion. There was discussion around whether this discussion was spontaneous. Ms. Chauvey informed all that she was not aware of this being a topic this evening; however, people had been calling all day to see if the selectmen's meeting was still being held. There was more discussion around reconstructing the file. Ms. Mills stated she has three different lists from her research. Ms. Bonser indicated the three lists represented three different things. Mr. Finn informed all he had been involved in 1995. He walked the roads with Gunnar Foss and John Fernald. He noted that he would be happy to speak with someone regarding his recall of things. Ms. Bonser asked him to e-mail his recollections to Mr. Brown. Mr. Rafter noted recollection is fine; however, he believes they record needs to have formal findings and minutes. He finds it disconcerting these records are missing. Beyond that, he feels it is the role of the selectmen to defend the decision that was made in 1995.

Ms. Proko addressed the selectmen, noting that she has been a summer resident on White's Grove Road since 1950. In 2000-2001 she rebuilt a year-round residence. White's Grove Road goes up to number 59. She would like to know why numbers 46 through 59 are no longer maintained. Chair Bock informed her that is a different issue.

Chair Bock informed all that the selectmen were moving on to administrative business. He thanked everyone for their input. Mr. Stucker informed all that should this issue be raised at Town Meeting, it would be raised under the first article discussed, Article #4.

At 7:35 PM, a break was called while the crowd dispersed. Chair Bock reconvened the meeting at 7:46 PM.

Election coverage for the selectmen – Anderson 8 AM-12 PM, Bock 12 PM-4 PM, Bonser 4 PM-7 PM.

Town Reports are in.

Chair Bock acknowledged Moderator Stucker and invited him to the table. Mr. Stucker noted he was here to go over election and town meeting items. He has spoken to Brian McClelland, who will handle the microphones for town meeting. Ballot Clerks are all set; Elaine Schmottlach and

Ruth Ann Fuller will handle the duties. Currently there is no food for either day. Ms. Chauvey was asked to post this on cable. Mr. Stucker has spoken with Mr. Leatherman and Chief Foss. The voting machine testing took place today. Mr. Sweeney received training to moderate for Election Day as Mr. Stucker cannot since he is on the ballot. Mr. Stucker did not hear any news today so he believes testing and training went well.

Mr. Stucker explained he plans to set up the voting polls Monday around 2:00 PM. He will be setting up the handicapped booth but will not be setting up the phone.

Town Meeting he plans to present the budget in subsections. He believes this will move it along faster. There are two presentations to be held at the beginning of the meeting; presentation of original jail cell keys that have been donated to the town and the Nottingham Recreation has a presentation. Mr. Stucker noted he had forwarded copies of the Moderator's Rules. Chair Bock noted they were extensive. Mr. Stucker indicated they were a conglomeration of several sources and he believed the best he could derive. Chair Bock reminded the public the importance of coming to town meeting.

Mr. Rafter asked if Town Meeting was going to be televised. Mr. Stucker indicated he had not decided but was leaning towards no. Chair Bock does not believe it should be televised ever. There was discussion around people who cannot attend. Mr. Anderson inquired as to whether or not there has ever been a formal process to provide transportation to those who need it in order to be able to attend. Mr. Morin voiced concern for those that work, noting that it could be recorded if it were broadcast. Mr. Rafter inquired about the wording of Article #4 in regards to the reference to Article #10. Mr. Brown informed Mr. Rafter this had come from DRA and been reviewed by the attorney.

#### **ADMINISTRATIVE BUSINESS**

At Ms. Bonser's inquiry, Mr. Brown reported there is no word from the insurance company regarding the highway garage, at this time. Mr. Anderson reported he has attended two meetings regarding the highway department facilities; a selectmen's meeting and a building committee meeting. It has been determined the new site will be at the pit with the new sand and salt sheds. The building committee is currently looking at design and construction costs. There was talk about time and the possibility of a special town meeting. The new highway garage project is quite involved. The old highway garage was 40 years old. The new garage will need to be brought up to standards. Mr. Albert volunteered site plan work. The selectmen thanked him.

#### **MINUTES**

##### **FEBRUARY 14, 2011** (Meeting)

Line 33: Add "*in regard to calling a meeting for this purpose.*" after *Committee Chair*.

Line 56: Change *if* to *of*.

Line 61: Remove the comma and the word *it* between *system* and *will*.

Line 109: Correct the spelling of *stated*.

Line 177: Change *Mary* to *Anderson*

**Motion:** Bonser, second Anderson to accept the minutes of the February 14, 2011 meeting as amended.

**Vote:** All in favor. Motion passed: 3-0

FEBRUARY 18, 2011 (Workshop)

Line 16: Add “, *as long as the no alcohol policy was followed.*” after *no problems*.

Line 36: Add a semi-colon and the word *if* between *jeopardy* and *you*.

Line 42: Add *of the future* between *size* and *building*.

**Motion:** Anderson, second Bonser to accept the minutes of the February 18, 2011 workshop as amended.

**Vote:** All in favor. Motion passed: 3-0

### **ADMINISTRATIVE BUSINESS Cont.**

The selectmen review manifests and mail.

Chair Bock announced, again, Town Reports are available. Ms. Bonser acknowledged Ms. Chauvey's work on the report.

Mr. Brown informed the selectmen he needed them to take some votes this evening. He requested they authorize him to sign the lease agreement for garage space for the highway department. The lease is for three months at the rate of \$500 per month. Option to renew for an additional three months, then monthly thereafter.

**Motion:** Bonser, second Anderson to authorize Mr. Brown to sign the lease on behalf of the Town.

**Vote:** All in favor. Motion passed: 3-0

Mr. Brown requested the selectmen authorize him to sign the multiyear rate guarantee with LGC on the property liability. This is a guarantee that rates will not increase more than six percent over the next three years and no more than nine percent in 2014.

**Motion:** Anderson, second Bonser to authorize Mr. Brown to sign the multiyear agreement on property liability coverage with LGC.

**Vote:** All in favor. Motion passed: 3-0

Mr. Brown requested the selectmen authorize him to sign the multiyear rate guarantee with Primex for worker's compensation. This is the same type of agreement as above.

**Motion:** Anderson, second Bonser to authorize Mr. Brown to sign the multiyear rate guarantee with Primex for worker's compensation..

**Vote:** All in favor. Motion passed: 3-0

Mr. Brown announced there would not be a Candidate's Night this year. The PTA no longer wants to host this event. He informed everyone the Town Office had received a call earlier that day requesting that they make contact with the candidates. He declined and wants everyone to know that this is a task that will need to be taken on by an independent group. Chair Bock encouraged all to read the recent issue of the Nottingham Community Newsletter for coverage on upcoming election and Town Meeting issues.

Mr. Brown requested the selectmen authorize him to sign the lease agreement for the new copier. The current copier is six years old and there have been many problems with it recently. He hopes to get the new one in in early March. The new copier lease will be an increase of \$53 per

month; however, the maintenance agreement is half the cost of the current machine. The agreement is for three years and contains a municipal funding clause.

**Motion:** Bonser, second Anderson to authorize Mr. Brown to sign the lease agreement for the new copier.

**Vote:** All in favor. Motion passed: 3-0

Mr. Brown informed the selectmen wished to recommend Larry Ellison for the part-time position at the recycling center. Mr. Ellison periodically fills in at the recycling center when needed and is currently working there.

**Motion:** Bonser, second Anderson to accept Mr. Brown's recommendation and hire Larry Ellison for a part-time attendant at the Nottingham Recycling Center.

**Vote:** All in favor. Motion passed: 3-0

Ms. Bonser publicly thanked Chair Bock for his years of service, noting he has been a pleasure to serve with. Mr. Anderson concurred.

Having no further business,

**Motion:** Bonser, second Anderson to adjourn the meeting.

**Vote:** All in favor. Motion passed 3-0

Meeting adjourned at 8:42 PM.

Respectively submitted,

Traci Chauvey  
Recording Secretary

**Approved as written at the March 28, 2011 meeting.**