

**Minutes  
Selectmen's Meeting  
May 9, 2011**

6:32 PM Chair Anderson opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson, Mary Bonser, and Hal Rafter.

Guests: Gunnar Foss, Heidi Carlson, Chris Mills, Gail Mills, Susan Jackson-Rafter and Janet Horvath (7:26pm).

Others: Town Administrator Charles Brown and Heidi Seaverns.

Chair Anderson recognized Chief Gunnar Foss who stepped forward to address the Board. He informed the members that Nate Eaton had graduated the Police Academy and was patrolling on his own. He also informed the Board that he was going to promote Fawn Woodman to First Line Supervisor. She is very level headed & responsible. He went on to report to the members that he has an interview scheduled on Tuesday for the new position created at Town Meeting. He explained to the Board that he has several individuals interested in the position. He is in hopes of finding someone that can attend the August 2011 Police Academy. He explained that he has waited to begin the recruitment process until Officer Eaton had returned from the Academy and completed the FTO (Field Training Officer) process. He went on to say that the philosophy of the department is to hire officers that fit the community. He stated that his officers are all committed to the community. Mr. Brown informed the members that Chief Foss had sent a letter via email to Representative Case in regard to SB 3 and the provision involving hiring of part time officers that have retired and are receiving a pension from New Hampshire Retirement System. Mr. Brown in turn forwarded the Chief's comments along with his to all 5 State representatives and Senator Groen. Chief Foss stated he was in favor of increasing the years of service /retirement age for those in the NHRS. He was not in favor of restricting departments from hiring retirees. He explained that a lot of departments rely on part time officers and they will be severely impacted if this provision is enacted. He went on to say that many municipalities are unaware that this is being put forth. He used the example of Bristol, NH, which has 4 full time officers and 4 part time officers. If this legislation is enacted, this Town will lose half of their police force. These part time officers are invaluable to the departments offering their experience to the towns and the town does not have to pay benefits that come along with full time officers. The Board thanked Chief Foss for the update and he left the meeting at 6:45PM.

Moving on to administrative business, Mr. Brown informed the Board that the Fire Chief had told him that there are several dry hydrants in Town that the standpipes are broken. These need to be repaired. The plastic standpipes do not last as well. Mr. Brown told the Board that the new material handler for the Recycling Center is going to be delivered on Tuesday, May 17. The check will be for \$ 43,620. Mr. Brown received an email from Attorney Kate Miller today. She has heard nothing from Comcast in regard to the latest submittal for renewal. She has spoken with Jaye Somers who has requested another copy of the proposal dated 12/27/10. She also said she would be speaking with Mr. Somers on Thursday. Mr. Brown told the Board that reclaiming has started and that the Police & Fire department are aware of the projects. He reported that the fuels lines in the budget are decreasing rapidly because of the high prices.

Next to be discussed was the new pension plan for employees. Mr. Brown updated the members on his progress in gathering information about a new plan. There are 2 employees that want to join the plan. The existing plan does not allow for any new members. Mr. Brown has received

several quotes for a new plan, and all seem reasonable. Mr. Brown would like the Board's permission to continue the process to set up a new plan with the Angell Group, Paul Goyette is the broker. He went on to explain that the prior plan was set up so the contributions had to be in the fund for a specific length of time before they could be rolled over without penalty. The new plan will allow existing members to eventually rollover their total contributions from the old plan to the new. The Board agreed that Mr. Brown should continue the process.

Members asked if Ms. Horvath had provided any additional information for them about PayPal. Mr. Brown said he had no additional information. Ms. Seaverns told the Board that Ms. Horvath was at the first session of line dancing at the Old Town Hall.

Mr. Anderson reported that he had met with the Recycling Center staff on Saturday. Among the issues discussed were children that are allowed to run around unsupervised, a fence of some kind to keep people from falling in to the containers, speeding within the property & the liability issues connected with these issues. Mr. Anderson is anxious to get the volunteer program up & running. He believes volunteers would be able to assist in oversight of the outdoor areas. Signage for the liability issues was discussed. Mr. Brown reminded the members that signage through NH the Beautiful is limited to what they offer and would not necessarily address these types of issues. He further stated signage itself was not the issue, the costs are quite high. Mr. Anderson brought up the idea of increasing the cost of the green stickers as well as not having the stickers last the lifetime of the vehicle. He was concerned that there is no real way to track how many people actually use the Recycling Center. There was some discussion about these ideas and whether it would be cost prohibitive (more stickers). Conversation turned to ways to increase recycling in Town. Nottingham recycles at a rate of about 37%; some towns/cities in NH recycle at 60% or higher. Mr. Anderson brought up the pay per bag concept. The theory behind this concept is people will recycle more if they have to pay per bag. There is an involved process to enact pay per bag. Mr. Anderson volunteered to research the issue and have someone come into a meeting and speak with the Board about the process. Mr. Brown suggested Mr. Anderson start with NRRRA. Mr. Brown reminded the members that the total tonnage of Municipal Solid Waste is decreasing a little each year, so people using the Recycling Center are recycling more. Janet Horvath arrived and stepped forward to address the Board. She reported that the first night of line dancing went very well. She stated that no municipalities in NH, Maine, Massachusetts and Vermont use the PayPal system. She would like to try to use the system for the Nottingham Day Race. It would be a minimal cost. There is no sign up fee and no contract. If it does not work, she believes that we can just opt out. She further stated that if that is not the case, she will not try the system.

**Motion:** Rafter, second Bonser to authorize Recreation Department to try the PayPal system for the Nottingham Day Race.

**Vote:** 3-0 in favor.

Ms. Horvath informed the members that she had not purchased the bouncy houses as yet. She reported that the Fishing Derby on Saturday had 75 participants. It is very hard to plan for the Fishing Derby, many people wait to register on the day of the Derby so it makes it hard to plan for the lunch. She told the Board that Zumba is continuing and that the department has started soccer registration as well. She thanked the Board for their time and left the meeting at 7:37pm.

Members reviewed the bills to be paid & signed the manifests.

Regarding outstanding minutes,

96 **Motion:** Rafter, second Bonser to approve the minutes of April 25, 2011 meeting to open  
 97 discussion.  
 98 Line 132: change “mowing deck” to “mold board”  
 99 Line 142: replace the word “work” with the phrase “a bridge or other options to properly cross  
 100 the river”  
 101 Line 183: replace “an emergency lane” with “the condition of the roads”  
 102 Line 184: replace “is what needs to be defined” with the phrase “needs to be further defined”  
 103 Line 102: replace Highhands with Highlands  
 104 **Motion:** Rafter, second Bonser to approve the minutes of the April 25, 2011 as amended.  
 105 **Vote:** 3-0 in favor.  
 106  
 107 Next item on the agenda to be discussed was the Emergency lane issue. Chair Anderson  
 108 explained that the 1<sup>st</sup> item to be discussed was the ratification for the motion made by the BOS at  
 109 their meeting on March 10, 2011. Mr. Brown informed the board that Union Street was not on  
 110 the posted list. He also stated that Lamprey Drive was not on the original posting so it should not  
 111 be in the motion as well.  
 112 **Motion:** Anderson to move to correct the motion made March 10, 2011, by an omission before  
 113 the vote was called.  
 114 Based on the following:  
 115 1.) Notice of Public Hearing on November 20, 1995,  
 116 2.) Meeting minutes of the Nottingham Board of Selectmen, dated December 4, 1995,  
 117 3.) Draft #2 Emergency Lanes from Valarie Hume on behalf of the Fire Department,  
 118 4.) Ms. Hume’s verbal confirmation of her research of her personal journals from 1995 regarding  
 119 Emergency Lanes,  
 120 5.) Verbal recollections of former Selectmen Joe McGann & Charles Brown, and Road Agent  
 121 John Fernald Jr.  
 122 6.) Acknowledgement of the process and Selectmen’s action in the 1995 Town Report and  
 123 7.) Treatment of the following listed roads as Emergency Lanes since December 4, 1995;  
 124  
 125 Nottingham Lake  
 126 Little John Lane  
 127 Sherwood Lane  
 128 Nottingham Lane  
 129 Langley Lane  
 130 Marston Lane  
 131  
 132 Cedar Waters  
 133 Going in the main road to the first right to approximately the second home, back out and around  
 134 the circle and back to Smoke Street.  
 135  
 136 North River Lake  
 137 Water Street  
 138 Snow Lane  
 139 North River Lake Road  
 140 North River Lake Road East to second house  
 141 Rogier Place  
 142  
 143

144 Pawtuckaway  
145 Barderry Lane-Main trunk to end  
146 First branch to intersection of driveway  
147 Second Road to top of hill  
148 Third branch/spur  
149 White's Grove Road to Leonard White's  
150 Highland Avenue  
151 Seaman's Point Road to Day's  
152 Shore Drive  
153 Cove Road  
154 Cahill Lane  
155 Dolloff Dam Road  
156 Meindl Road to Grooms  
157 Meindl East & First branch to Musial  
158 Brustle Road to Smarts  
159 Tuckaway Shores Road from Brustles to Mills  
160 Mooers Road to Diamond & Gylfphe  
161 Jamps Trail to dumpster  
162 Sach's Road to top of hill  
163 Beach Head Road  
164

165 The Nottingham Board of Selectmen hereby ratifies and confirms that in 1995 the Town,  
166 following the procedures set out in RSA 231:59-a II, declared the preceding list of private ways  
167 as Emergency Lanes. Any difference in the list contained herein and the list on the notice of  
168 public hearing from 1995 is intended to more accurately describe the Emergency Lanes that were  
169 intended to be created and then created on December 4, 1995 based on the written findings from  
170 the public hearing on November 20, 1995, as stated by Selectmen's minutes of December 4,  
171 1995.

172 **Second:** Bonser to open discussion.

173 **Motion:** Rafter, second Bonser to remove the three branches of Barderry Lane from the list as  
174 they were not part of the original hearing notice.

175 **Vote:** 3-0 in favor of the amendment.

176 **Motion:** Anderson, second Bonser on the motion as amended.

177 **Vote:** 3-0 in favor.

178 Ms. Bonser had reviewed some of the lists of roads and had some questions about whether or not  
179 roads were maintained. Most of the roads she questioned are not maintained by the Town. There  
180 was an error in the spreadsheet list-Rollins Road is listed as a private road and it is a Town Road.  
181 Also, no one knew anything about Old Road & White Oak Lane. Ms. Bonser clarified, at the  
182 request of Gail Mills, what route the plow took within Cedar Waters. Mr. Rafter stated that the  
183 town should notify the property owners of the various roads removed from the list that the Town  
184 would not be performing any maintenance on these roads, effective immediately. The criteria  
185 /policy needs to be in place before any public hearings to establish these roads as Emergency  
186 Lanes (EL) are held. Ms. Bonser informed the Board that several surrounding Towns notate the  
187 class of road on their street signs-private, Class 6 etc. It was not determined whether or not the  
188 Town had the right/authority to do this. It was also pointed out that this would be costly to do as  
189 well. The members next reviewed the draft policy on the designation of Private Roads as  
190 Emergency Lanes. It was agreed that the recommendations of the Police Chief and Fire Chief be

191 added to the Preliminary Determination section. Ms. Bonser stated she thought the criteria  
192 should involve the safety of the residents, access for emergency services and safety of  
193 emergency services personnel. Ms. Mills stressed the overall benefit portion of the statute. There  
194 was a lengthy discussion about the process once the BOS had finalized their policy/criteria. Once  
195 the BOS has finalized the document, it will most likely be given to the Town Attorney for  
196 review. There will be an opportunity for public comment at a public meeting, most likely a BOS  
197 meeting. Mr. Brown spoke to the utility issue. He informed the members that he had spoken with  
198 representatives from Public Service and NH Electric Co-op, and they have the equipment to get  
199 anywhere they need to go. In light of this, Mr. Brown suggested that the utility consideration be  
200 removed from the criteria. After some discussion, it was decided to leave it in for now. Before  
201 the next meeting each BOS member liaison will meet with their respective department head and  
202 report back to the Board at the May 23 meeting. Ms. Bonser is Police Department liaison, Mr.  
203 Rafter is the Fire Department liaison and Mr. Anderson is the Highway department liaison. The  
204 question came up about another meeting with council. It was decided to see what the outcome of  
205 the next meeting was to see if another meeting was needed. A brief discussion about driveways  
206 vs. roads followed with no resolution. A suggestion was made that both should be defined in the  
207 policy. All members of the BOS will forward their comments to Mr. Brown who will compile  
208 the edits/additions into the policy for review at the next meeting. Mr. Brown will compose the  
209 letter to be sent to the property owners on the roads that were not on the original Emergency  
210 Lane notice.

211  
212 Ms. Bonser brought up the preservation of Pawtuckaway State Park. Ms. Bonser had suggested  
213 legislation to protect it. The attorney informed the Board that a law cannot be created to tell the  
214 State what to do. His suggestion was to propose a Constitutional Amendment and to enlist  
215 Towns with a similar situation to assist. After some discussion, it was suggested that LGC be  
216 consulted on the likelihood of passage of such an amendment. Mr. Brown will email the  
217 members the schedule of dates for the next round of amendments (2012).

218  
219 Mr. Brown informed the BOS that the Building Inspector will be back to work on Monday, May  
220 16, 2011.

221  
222 Chair Anderson told the members that he had attended a School Board meeting recently. The  
223 School Board is discussing their options for additional space-modulars, addition, etc. Mr. Rafter  
224 had volunteered as liaison for the School Board, so he will keep the BOS advised of the School  
225 Board's plan.

226  
227 8:43 PM Having no further business,  
228 **Motion:** Rafter, second Bonser to adjourn.  
229 **Vote:** 3-0 in favor.

230  
231 Respectfully Submitted,

232  
233  
234 Heidi Seaverns  
235  
236

237 **Approved as amended at the May 23, 2011 meeting.**