

Minutes
Nottingham Select Board Meeting
July 15, 2019

1 Call to Order

2 Members Present: Chair Tony Dumas, Tiler Eaton, John Morin, Vice Chair Ben Bartlett, Donna
3 Danis

4 Chair opened the meeting at 6:30pm with the Pledge of Allegiance.

5 Approve Manifests

6 **Mr. Bartlett made a motion to approve the accounts payable manifest of July 1 and July 15**
7 **and payroll manifest from July 2 and 16. Mr. Morin seconded. Unanimously approved by**
8 **a vote of 4-0.**

9 Ms. Danis arrived at 6:35pm.

10 Approve Minutes

11 **Mr. Eaton made a motion to approve the public minutes from June 17 with changes. Mr.**
12 **Bartlett seconded. It was approved by a vote of 4-1 with Ms. Danis abstaining.**

13 Mr. Dumas corrected a name change for minutes. Misspelling of sergeant.

14 Action Items from Last Meetings

15 Mr. Sterndale will send the RSA regarding tax lien policies to the Board. It will be discussed at
16 the next meeting.

17 BOS Reports from Assigned Boards/Committees

18 Marston Property

19 Breaking ground in August. There may be a groundbreaking ceremony. There is a fundraising
20 team that was put together. Kortney Dorow from the Recreation Dept and Jo Porter are working
21 on grants for the project. Lauren Chaurette is also helping with fundraising as well. There is a
22 sponsor package that is being developed to send out to businesses and individuals. Carl Edin is
23 organizing a golf tournament on October 6 for a fundraiser as well. Mr. Sterndale said that there
24 is a state grant that is continuing to move along as well.

25 Planning Board

26 Mr. Eaton was not able to make it to the meeting. Mr. Sterndale said Strafford Regional Planning
27 Commission was introduced to the Planning Board; Stephanie Casella will be Nottingham's
28 contact person. They will be at the town office on Thursdays. The Planning Board approved
29 splitting a shared driveway.

30 Budget Committee

31 No meeting yet.

32 CIP

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33 No meeting.

34 **Town Administrator Report**

35 Mr. Sterndale spoke about the impact fees (the fire station portion) being used for the fire station
36 infrastructure loan. It is \$11,000 total at this point. \$800 per impact fee/per house is collected for
37 the fire station portion. There were rate changes for the police department personnel. Summer
38 concert series start every Tuesday night for the summer; dinner will be for sale by the 300th
39 Celebration committee. Mr. Sterndale gave thanks to Mr. Bartlett and his crew for finishing to
40 spread the wood chips at the playground. Mr. Bartlett stated it was a group effort from other
41 members of the BOS as well.

42 **General Business**

43 *Recreation Dept: After School Care*

44 Kortney Dorow, Nottingham Recreation Department Director presented the BOS with the plans
45 and the budget for the town's new after school program. It would be fiscally self-sufficient.
46 Kortney stated she could staff the program by moving one part time employee position into a full
47 time one. The program would be held in Nottingham School cafeteria and, when available, the
48 use of the gymnasium. The after-school program would have ratio of one staff for every ten
49 students. Its initial goal was to have 5 staff and 50 children. There may be a before-care program
50 as well depending on staff. Ben Bartlett said there was much support for this program.

51 The Board is in agreement that the Recreation can move forward with the after-school program.

52 *Emergency Lane Evaluations*

53 Mr. Dumas said the results of evaluations will be reviewed and no decisions will be made
54 tonight.

55 Mr. Sterndale began the report by noting three questions the board can consider from the
56 previous emergency lane (EL) discussion. First was the public benefit of EL. Second was what
57 should the maintenance standards be for these roads. And third, at what level should the town
58 provide maintenance service to them. Sean McClain, Public Works Director and Mr.
59 Sterndale surveyed by walking or driving through all of the almost 10 miles of ELs. The ELs are
60 throughout Nottingham. He noted it was not scientific nor exact. They could only measure the
61 width of the roads. They did not have the equipment to determine the road's grade. Their
62 surveying schedule was publicized, and they were accompanied in it by local residents. They
63 found two major road surface issues - infringing boulders and protruding ledges. Certain areas
64 had things sticking out into the road. Another major issue was widths of the roads.

65 Mr. Sterndale said he was escorted around Cedar Waters via car. Mr. Sterndale explained that
66 there must be some benefit to the public in order for road to be considered as an EL.

67 Mr. Dumas would like to schedule a workshop to go through each road individually; there won't
68 be 'one size fits all' solution for each road. Some roads may be suitable for the homeowners on

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69 these roads to petition the town for the road to be accepted as a town road instead of an EL.
70 There may be a wide variety of solutions for this issue.

71 Mr. Morin said they should not stop maintaining these roads. The roads should be safe for the
72 town employees to go on these roads. He would like to see these roads all be town roads. These
73 roads have been maintained for 40 years by the town.

74 Mr. Dumas said if these roads were ‘bulk approved,’ it would cost the town millions of dollars to
75 get them up to standards. The town is liable for people who are injured on town roads. Ms. Danis
76 said it could be the town and the people who live on an individual road working together to get
77 the road up to par. Ms. Danis said a path forward should be made for all of the roads to be town
78 roads. Mr. Dumas stated that the law doesn’t allow the town to spend public money on private
79 property unless it is an EL. Mr. Morin is suggesting all the EL should be made into public roads.

80 Mr. Bartlett noted that some of these roads don’t have definite owners. Ms. Danis said if this
81 problem came up in a business setting, the solution would be to bring in a consultant; she is not
82 seeing how they are going to come to a decision. Mr. Bartlett stated that even at 16 feet, there
83 would not be enough to turn around; he believes it would have to be 18 feet.

84 Mr. Bartlett and Mr. Eaton said it was a town issue and urged folk to not let it split and divide the
85 community. Ms. Danis asked how the community and BOS are going to work together. Mr.
86 Dumas said that we should include the people that don’t live on the EL roads as well. Mr.
87 Bartlett said they need to have a standard for roads so they can decide what to do with the roads
88 prior to a workshop. Mr. Dumas said that standard needs to be across the board for any road. Mr.
89 Sterndale said that the standards that he and Mr. McClain used were for EL, not a public road.
90 There was further discussion about who owns the EL roads and how private roads and EL are
91 different. Mr. Dumas stated that the BOS is not legally obligated to tell land owners that an EL
92 designation is removed; it may be the best route for some of these EL to move towards become a
93 town road.

94 The meeting was open to public comments. [Due to audio difficulties some comments are not
95 detailed in minutes.]

96 Clayton Button of Beach Head road. [audio out]

97 Kip Ballaigeron Barderry Lane.[audio out] He said he doesn’t trust BOS.

98 Bill Netishen [audio out]

99 Pat Kelley from 35 Sachs Rd. She stated she is not mad at the BOS as she understands that they
100 inherited this problem. She had two rhetorical questions: If the town is able to plow, repair and
101 maintain EL, which are camp roads really, for 50 years, why are there problems now? What can
102 the BOS do now that a future BOS can not undo?

103 Kevin Bassett from Shore Drive. He showed Mr. McClain his road (also said Lamprey Road).
104 He has cut down some trees to make his road better but then it leaves stumps. He is looking for
105 more help to cut down more.

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106 Tom Duffey from Tuckaway Shores Rd is a real estate agent. The people that own the houses
107 own easements. They can confer rights to others when they sell the house. He said that it should
108 not be a stopper because you should be able to find out who owns or owned the land. Many of
109 the neighborhood have done surveys and were town subdivisions, and they had rights of way
110 through that subdivision. If you need to find an easement, you can ask the owners to give the
111 town some of their property.

112 Robert Givens from 11 Meindl East. If an EL was made into a private road, it would make an
113 impact on homeowner's insurance. He believes there will be lawsuits from those who live on EL,
114 and he will bring a lawsuit. People could stop paying taxes, and he will do that as well. He is
115 asking if the assessed value will be dropped if the EL goes to private road. Mr. Dumas said a
116 lawsuit could come from either side: those who want to keep their EL or other citizens who don't
117 want their tax dollars spent on private property. Mr. Dumas said the purpose of an EL distinction
118 is so that the town can use a private road if needed not so that the town is obligated to perform
119 maintenance on said road. He suggested standards on EL roads.

120 Mr. Dumas said the RSA said the town doesn't have to do anything on EL roads. All EL are
121 private roads; these are not class 5 roads. Private roads can get an EL designation: while all EL
122 are private roads but not all private roads are EL.

123 [Untelligible name and road]. He asked before he bought his house who takes care of his road
124 and he was told the town does. He said some people may not get loans or insurance if road is not
125 covered. He asked how many people died or vehicles ruined from maintaining these roads. He
126 says the town may have more liability if they stop maintaining these roads.

127 Charles Horton from 36 Seaman's Point Road. He said it's unconscionable that town would stop
128 maintenance in the meantime while figuring out what to do with these roads. There could be an
129 emergency and people would need be able to get in and out of the road.

130 Kevin Jordan from 17 Beach Head Road said all these roads are public ways. Mr. Dumas said
131 that is incorrect. Mr. Jordan said there is no association so how do they fix roads? There is no
132 way to force people who live on these roads to give money to fix their road. He called the town
133 20 years ago before buying the house and they said the road was maintained and plowed. John
134 Fernald took very good care of the roads and now the road is not taken care of in the same
135 fashion. Mr. Morin said we do have a new road agent. Mr. Dumas said that Mr. McClain is the
136 Director of Public Works and his duties include road agent and overseeing the recycling center.
137 Mr. Morin said John Fernald maintained the roads on his own time and was not paid. Mr. Jordan
138 said the roads have degraded over the past few years. He said the standards don't need to be
139 discussed behind closed doors. He believes that the roads that have been maintained for the past
140 50 years should be accepted as town roads.

141 Bill Scimone 33 North River Road. He said that if the town needs a foot of his land so the road
142 can be a public road, he will do that for the better good. He is asking if that is a possibility.

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143 Mr. Dumas suggested a future BOS workshop that is open to the public. Mr. Bartlett said if there
144 is a workshop, he would like this issue to come to a resolution at that meeting. Mr. Dumas said a
145 workshop would be looking at each road individually to determine if the road could go before a
146 town meeting or maintain EL status. Mr. Eaton said that he feels many of the roads are close to
147 being able to be accepted as town roads. Mr. Sterndale and Mr. McClain said they would not
148 currently recommend any of the EL as a public road. Ms. Danis said they need a framework for
149 making a decision and asked how they are making a decision, if not subjective. Mr. Dumas said
150 the current policy requires landowners to take care of their roads in occurrence with the RSA.
151 Ms. Danis and Mr. Morin disagree. There was further discussion about standards for the road and
152 what the end goal is. Mr. Morin and Mr. Dumas had a discussion about spending town money on
153 private roads. Ms. Danis recommended that the meeting end and Mr. Sterndale plan the
154 workshop. Mr. Bartlett again stated he wants a resolution at the end of a future workshop. Ms.
155 Danis suggested each street appoint a representative to discuss their road with the BOS. Mr.
156 Bartlett asked what happens if that person doesn't show up. An audience member said that the
157 road would forgo its representation if someone did not show up. Mr. Dumas said the hope is that
158 there will be a resolution for every road.

159 Mr. Bartlett thanked everyone for coming out.

160 **Review Action Items for Next Meeting**

161 Tax liens.

162 **Adjourn**

163 **Ms. Danis made a motion to adjourn at 8:47pm. Mr. Morin seconded. It was unanimously**
164 **approved by a vote of 5-0.**

165