

**Approved Minutes as of 12/9/19**  
**Nottingham Select Board Meeting**  
**11/26/19**

1 **Call to Order**

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

4 Absent:

5 Others: Judy Baillargeon, Kip Baillargeon, Rae Christy, Helen Rossi, Marianne Ernst, John  
6 Rusnak, Joe Hutchings, Peter Lyle, Janice Lyle, Steve Sorell, Linda Peterson, June Prom,  
7 Charlene Andersen, Mike Russo, Diane Clare, Michael Clare, Jayme Chalogias, Kevin Jordan,  
8 Pam Kelly

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

10 **Action Items from Last Meetings**

11 Class V Road

12 **Town Administrator Report**

13 Mr. Sterndale discussed health insurance for the town employees. He is asking about offering a  
14 2<sup>nd</sup> plan for employees as the original plan's rates are going up 7%. The 2<sup>nd</sup> plan has higher  
15 copay and higher deductibles for lower premiums. The town will cover part of that deductible as  
16 well. It may take approximately \$10K off the budget depending how many employees would be  
17 interested. The town is offering a flexible savings plan for employees and the town is  
18 contributing \$250 for each employee. Ms. Danis asked if there is any downside to offering this  
19 2<sup>nd</sup> plan; Mr. Sterndale said there is not. The Board agreed that Mr. Sterndale should move  
20 forward with 2<sup>nd</sup> plan. The new truck and police cruiser have arrived. The police cruiser has been  
21 decaled.

22 **General Business**

23 *Class V Road Standards*

24 Mr. Dumas said the Board has the edits from the town attorney as well as road standard  
25 documents. Ms. Danis asked if they were discussing the EL standards, gravel road standards. Mr.  
26 Bartlett said he is looking to make final decisions tonight. Mr. Dumas said he wanted to have a  
27 final decision on classification standards and discussion & potential decision to gravel road  
28 standards.

29 Ms. Danis said the opening paragraph of the Minimum Design Standards for Town Roads has  
30 changed by the lawyer. Mr. Sterndale said there is a general standard for classified road (roads  
31 that are brand new) and what the town could accept for existing roads. Ms. Danis suggested  
32 leaving first (while striking 'and pre-existing private roads') and 3<sup>rd</sup> sentence in the paragraph.  
33 She doesn't want this standard to apply to legacy roads. Mr. Dumas asked if they changed to  
34 that, if they were building a road, how does this apply if it doesn't apply to new construction. Mr.  
35 Dumas believes that there should be one standard across the board, not one for new construction  
36 and one for existing, legacy roads.

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37 Mr. Bartlett asked what is preventing an existing road to say they want to be under the lesser  
38 standards. Mr. Sterndale said the planning board would be involved. Mr. Bartlett said that they  
39 be opening themselves up if they have 2 standards. Mr. Morin said that there are town roads like  
40 Poor Farm Road that won't be up to this standard even. When they do future construction, this  
41 standard is what a road like Poor Farm Road would have to meet, Ms. Danis said.

42 Moors Road has never come to the BOS to be given what the road standards are.

43 There was a discussion about what a road would be: it has to have 2 houses on it.

44 Mr. Sterndale mentioned merging classified roads and legacy roads into one document. Mr.  
45 Sterndale asked if they want to have 2 standards.

46 Mr. Morin inquired about the town roads that are town roads that need to be up to standard (like  
47 Poor Farm Road, Stevens Hill, etc.). Ms. Danis said when they are reconstructed, they would be  
48 brought up to this standard.

49 Ms. Danis asked if they want to have one or two standards; this would include town road that  
50 need to be brought up to standards as well as a pathway for town owned legacy roads and then  
51 new construction. Ms. Danis said they need to have two standards. Mr. Eaton said he would like  
52 two standards.

53 Mr. Sterndale said they don't have authority over private roads. Mr. Dumas said the EL are  
54 private roads so they don't have to follow this.

55 Mr. Bartlett asked about White Groves Rd with multiple owners and how they would ask the  
56 town to accept their road.

57 Mr. Morin said he would like to have 2 standards. Mr. Eaton said 2 standards. Mr. Sterndale said  
58 that some of these roads would never meet these standards. Mr. Morin said that some of these  
59 roads that don't meet standards could remain EL. Mr. Eaton said that some would never meet  
60 these recommended standards. Mr. Bartlett said he is on the fence; he doesn't think we should  
61 deviate from the lawyer's recommendation so he will say one standard. Mr. Dumas said that in  
62 the former meeting they had spoke about creating an alternate standard but Mr. Bartlett said the  
63 attorney does not recommend 2 standards. Ms. Danis said the lawyer doesn't have a sense and  
64 obligation to the folks on these roads but the BOS said they would work with them. Having one  
65 standard they will never meet isn't working with them. Mr. Morin said it's the attorney's legal  
66 opinion. Mr. Bartlett said that the lawyer is paid to give BOS legal advice to keep the town out of  
67 trouble. Mr. Sterndale said any road can come before town meeting; they don't have to uphold  
68 the standards that the BOS creates. Mr. Bartlett asked why they are doing this now then. Mr.  
69 Sterndale said the town chose to approve Moors Road conditionally if it meets the standard that  
70 BOS was going to set. The liability goes away if the town votes on it, Mr. Eaton said. Mr.  
71 Bartlett is concerned that some roads will petition to lesser standards. Ms. Danis asked why  
72 would some want to do that. Mr. Bartlett suggested finishing the Minimum Design Standards for  
73 Town Roads. Ms. Danis said she would still like to strike out 'and pre-existing private roads.'  
74 Mr. Dumas does not want to strike that out. He doesn't want to reduce the standards of the EL.

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75 Mr. Dumas said that EL lanes are private roads; it doesn't justify cutting corners. Mr. Dumas  
76 believes private roads don't not have to abide by any standards if it's not in the policy.

77 Ms. Danis suggested leaving in private roads with the exception of the current EL.

78 Mr. Sterndale said that there are some private roads that are not EL. The town is not maintaining  
79 those.

80 Ms. Danis and Mr. Eaton said they are treating EL private roads differently than private roads.

81 Ms. Danis said they are or should be grandfathered in. Mr. Dumas said they don't have any  
82 special consideration.

83 Mr. Dumas said they have discussed a separate standard for EL roads. Ms. Danis said there are  
84 different rules for subdivisions and other roads in town. Ms. Danis suggested clearly identifying  
85 each standard and who it pertains to, then people will know what they should look at. Mr. Dumas  
86 said the town is not under any legal obligation to maintain these roads but Ms. Danis said they  
87 have been doing this all along. Mr. Morin said that 20% of the town's tax money comes from  
88 these roads. Mr. Sterndale said that any future board can change this policy and the attorney's  
89 obligation is giving the Board legal advice but the Board/town may have political problems but  
90 the attorney won't give the Board political advice. The attorney would not want the town to open  
91 themselves up to more liability. There is a duty to the traveler on a classified road, not on a  
92 private road.

93 Both Mr. Dumas and Mr. Morin would be safer if EL roads were brought up to any standards.

94 Mike Russo, former ZBA member, has spent many years encouraging people on these private  
95 roads to come up with associations. He sent the BOS written commentary a few months ago. He  
96 suggested the BOS read a particular book that may help them with this issue. He suggested not  
97 using the word 'legacy roads.' He suggested a higher gravel for some of these roads due to the  
98 volume of households on street. He suggested using the term Classified 6 class instead of legacy  
99 roads.

100 Kip Baillargeon asked if other towns have these classifications. Mr. Dumas said some do and  
101 don't. Mr. Morin said they are trying to make these work for our town, not copy other town's.  
102 Mr. Baillargeon would like to use the state standard. Ms. Danis said it's in the best interest to  
103 have a standard for the class V road standards.

104 Kevin Jordan requested the memo from the engineers.

105 Charlene Anderson said she will provide the BOS with some written questions. She would vote  
106 for 1 standard as it will make it more complex to have more than one. She suggested looking at  
107 Lee's standards and she will share that with the Board. Once BOS makes these decisions, a  
108 private road can petition to the town to become a Class V road. An EL could petition to become  
109 a Class V road. It doesn't automatically mean they will become a Class V road; she said to  
110 clarify that in the document. The land that abuts that road could open it up to subdivisions. She  
111 asked about declassifying roads as EL. Ms. Danis they are looking into this. Ms. Anderson said

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112 the BOS should not be rushed into making a decision. She said that over a year ago, they were  
113 going to build criteria into the EL policy. She suggested using the information from the  
114 engineers. She said that not all landowners may want their road to become a Class V road. Ms.  
115 Anderson will send her suggested edits on the policy to BOS.

116 Mr. Jordan would like lawyer's comments on the info from the engineers.

117 Mr. Dumas said he liked Ms. Andersen's idea of putting the gravel roads information into the EL  
118 lane policy. Then he would comfortable striking the info that Ms. Danis suggested in the  
119 Minimum Design Standards for Town Roads. Mr. Morin said they are trying to eliminate EL and  
120 set a standard so they can become town roads. Mr. Dumas said they should upgrade for safety  
121 reasons. Ms. Danis said that town roads, not EL, have had more safety issues.

122 Ms. Danis suggested calling the meeting as no one is making any decision. Mr. Morin said they  
123 can make a vote even if all don't agree. Ms. Danis said a vote all have to be on board with  
124 moving forward with the way the majority voted. Mr. Dumas said he would like to move the  
125 proposed design standards from the engineers to the EL policy. Mr. Bartlett said that they should  
126 fix the EL policy like what Ms. Andersen suggested. Mr. Morin said they could table the  
127 Minimum Design Standards for Town Roads; Ms. Danis agreed. Mr. Morin would like roads to  
128 remain EL if they can't upgrade to the criteria of Class V roads.

129 Mr. Eaton is reading information from Laconia roads and how it relates to Nottingham. He will  
130 send to the Board.

131 **Mr. Morin made a motion to table the Minimum Design Standards for Town Roads (Class**  
132 **V proposal). Mr. Eaton seconded. Unanimously approved by a vote of 4 yay-1 abstain**  
133 **(Mr. Dumas).**

134 Mr. Bartlett suggested meeting weekly going forward. Ms. Danis would like definitions of some  
135 of the words in the standards document.

136 Mr. Morin would like an end goal of EL policy. Ms. Danis said would like to have a good draft  
137 that they can vote at the following meeting.

138 **Appointments**

139 **Review Action Items for Next Meeting**

140 Develop EL standards to become town roads

141 **Adjourn**

142 **Ms. Danis made a motion to adjourn at 8:33pm. Mr. Bartlett seconded.**

143 **Unanimously approved by a vote of 5-0.**

144