

**SELECTMEN'S MEETING**  
**JANUARY 25, 1999**

**MEMBERS PRESENT:** Charles McMahon, Douglass Barker, Carolyn Webber, Margaret Crisler and Galen Stearns. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:00 pm.

**NON-PUBLIC SESSION:** Mr. Barker motioned to go into non-public session in accordance with RSA 91-A:IIe. Mr. Stearns seconded. Roll Call Vote - all members - yes. The Board, Mr. Sullivan and Attorney Campbell were in attendance. Subject was the semi-annual legal update by Town Counsel.

Public Meeting commenced at 8:00 pm.

**ANNOUNCEMENTS:** None.

**LIAISON REPORTS:** Mr. Barker thanked the Road Agent and his sub-contractors for their excellent work during the recent ice storm.

Mrs. Crisler noted that the Cable Board installed amplification for the meetings. Mrs. Crisler further stated that Harron is increasing their rates and also they will have a location in Windham at the Windham Country Store complex. The Cable Board came in under budget for 1998 by approximately \$11,000 due to unexpended salaries.

Mrs. Crisler reported that the Planning Board held two intense meetings regarding proposed zoning changes and approval of the CIP.

Mrs. Crisler noted that the Technical Committee asks that all committee minutes be sent to the Web Master, Dick Forde.

**MINUTES:** Mr. Barker motioned and Mr. Stearns seconded to approve the minutes of January 11, 1999 with the following change on Page 2 regarding state senators and representatives: delete "make themselves available" and change "to invite". Motion passed unanimously.

**CORRESPONDENCE:** Mrs. Crisler moved and Mr. Stearns seconded to approve a partial release in the amount of \$35,822.00 for Glenwood Road. Passed unanimously.

Copy on file of the letter sent to residents of the private roads which petitioned to be declared emergency lanes announcing tonight's public hearing.

Letter received from the Conservation Commission regarding possible purchase or lease of the Devlin land.

Letter received from the Sisters of Mercy thanking the Town for their support in obtaining a grant from the Department of Housing and Urban Development to assist in the construction of housing for very low-income elderly.

**PUBLIC HEARING:** The Board of Selectmen opened a Public Hearing in accordance with RSA 231:59a, Emergency Lanes for the purpose of considering designating the following roads as emergency lanes: Cross, Emerson, Farmer, Fourth, Grove, Lakeshore, Rocky Ridge, Sawtelle, Second, Shady Lane, Ash, Smith, Spring, Summer, Third, Turtle Rock, First, Fox and Bell. Once declared an

emergency lane, the Board has the authority to perform winter plowing activities.

Mr. McMahon stated that the Private Roads Study Committee presented a report to the Board suggesting that RSA 231:59a on Emergency Lanes may be applicable on some private roads. The Board then accepted petitions from residents of the above named private roads and scheduled this public hearing.

Mr. McMahon stated that they will not be considering Sawtelle Road or Third Street as at least one property owner has stated he/she is against the petition. The law states that if one or more residents do not wish to have their road declared an emergency lane, that it cannot be considered.

Attorney Campbell explained the law regarding declaring roads as emergency lanes in detail and he also referred to a publication by Attorney Bernard Waugh titled "Hard Road to Travel". Attorney Campbell stayed for the hearing and answered questions as necessary.

The following residents spoke:

Jerry LaRochelle Spring Street  
Stephen DeSimone Second Street - Did not support petition  
David Moore Rocky Ridge Road  
Lloyd Bauchman First Street  
Bob Jacobs Sawtelle Road  
Al Hammar Horne Road  
Jean Senna Fourth Street  
Laureen Schreiner Turtle Rock Road  
Karen Mahoney First Street  
Tom Furlong Smith Road  
William Broadley Emerson Road - Did not support petition  
Joe Marquebrueck Third & Fourth Streets - Did not support petition  
William Day Lakeshore Road  
Kay Antaya Fourth Street  
Matt McCabe Ash Street  
Walter Fortado Summer Street  
Robert Eyssi Grove Street  
Michael McDonough First Street  
Justine LaRochelle Spring Street  
Barbara Gay Third Street - Did not support petition  
Marc Brodeur Ash Street  
Leo Scanlan Turtle Rock Road  
Denis Tremblay 76 Turtle Rock Road  
Tom DeWitt Bramley Hill Road  
Linda Brodeur Ash Street  
Laureen Terry Bell Road

Mr. Barker motioned to close testimony at the Public Hearing. Mr. Stearns seconded. Passed unanimously.

Board members discussed how they should now proceed. Mr. Stearns stated that he believes only First Street meets the criteria to be declared as an emergency lane and that conditional layout is an alternative option for other roads.

Mr. Barker suggested that the Town Administrator and Town Counsel try to contact other communities

to see how they interpret the RSA. He also noted the need for the Board to take specific written testimony on each road they declare as an emergency lane. He stated that the residents petitioning their roads, should state why the need to declare the road an emergency lane is for a greater need than just the residents of the road. He also noted that the costs will be paid for through property taxes.

Ms Webber stated that she would recommend that First, Shady, Smith and possibly Grove and Turtle Rock be declared as emergency lanes.

Mr. McMahon stated that written testimony will be required for a road to be approved and also cost figures are needed from the Road Agent.

Mrs. Crisler suggested that a learning process is needed and that it would be helpful if the Board writes down the Town's criteria for the residents to review and consider. She further noted that this process is to be done economically.

Ms Webber motioned to accept Shady Lane as a winter emergency lane due to its access to Cobbetts Pond. Mrs. Crisler seconded. Motion failed 2-3 (McMahon, Barker and Stearns opposed).

Ms Webber motioned to accept Smith Road as a winter emergency lane due to its access to Cobbetts Pond. No second.

Ms Webber motioned to accept Turtle Rock Road as a winter emergency lane as it meets the public needs test. Mrs. Crisler seconded. Motion failed 2-3 (McMahon, Barker and Stearns opposed).

Ms Webber motioned to accept Grove Street as a winter emergency lane. No second.

Ms Webber moved and Mr. Stearns seconded not to accept the remaining roads as they do not meet the public needs test. Passed unanimously.

The Board stated that roads can be resubmitted and should include the nature of the public need and the costs. The Board will work to determine the criteria for roads to be considered in plowable condition.

Mr. Barker motioned to adjourn. Mr. Stearns seconded. Meeting adjourned at approximately 11:50 pm.

Respectfully submitted,

Kathleen M. Davis  
Secretary

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

