

Town of Old Lyme  
Special Meeting: Snow Plowing Committee  
Wednesday February 8, 2011: 7:00 pm

**Present:** Ed Adanti, David Flagge, Cindy Hautaniemi, Rich Kingston, Paul Puddington, Bonnie Reemsnyder, Beth Sullivan, Bob Vanesse, Paul Yellen, and Anne Coburn sitting in for Chris Kerr.

**Regrets:** none

**Meeting called to order at 7:00 by Paul Yellen.**

**Approval of minutes**

Motion made by Rich Kingston, seconded by Bob Vanesse, and passed unanimously to accept the minutes as submitted.

**Public Comment:**

Paul Puddington presented information he had gathered – other similar towns and how they handle snow plowing. These towns were Orem, UT, Hancock, NH and Dieppe, NB. Paul presented it as a member of the public. Paul researched and evaluated 3 other towns. Some aspects of each option was best; there was not one best option overall to be able to suggest applying to Old Lyme. Together, they support a change in the current process of Old Lyme to a more formal policy. Ed Adanti confirmed that the town of Old Lyme does have a process of order for plowing roads, but it is not in writing as an official policy.

Paul Yellen thanked Paul for this research and information presented.

Mary Jo Nosal also thanked Paul for this, and stated that Old Lyme does need to put a policy on paper. This is necessary to document the policy and would be helpful for future needs.

Bonnie Reemsnyder agreed that the town needs a written policy and the Board of Selectmen will be doing this in the near future.

**Business:**

Rich Kingston inquired of Point of Woods Association if in the future they would like to be treated the same as the other beach communities which are currently being snow-plowed by the town. Kathleen McKeough responded for Point of Woods Association stating that she checked with their Board and they will continue to plow their own roads but would like the town to continue to supply the sand and salt.

Ed Adanti stated that he has been evaluating a new computerized sander on a truck and it seems to only need one load of sand compared to 3 loads of sand when done the previous way. This would be a savings for the town as it would cut down on the amount of sand used, and also decrease the back-and-forth to refill the truck with sand.

Bonnie discussed the questions from the committee (in italics below) with town legal counsel, and presented the responses.

- *As the beach private roads have been snow plowed (down and back) for the past several years (25-30?) has some type of legal precedence been set so that the town must continue this?*
- *Other private roads were once plowed for several years (~10) and then stopped being plowed by the town. Is there some type of legal precedence to once again have the town snow plow these roads?*

The legal response was that the past snow plowing of the beach private roads did not establish a legal precedence / there was no understood obligation to continue this practice. If the Board of Selectmen instituted this by a vote, then there would need to be a vote to change this. Bonnie has researched past town BOS minutes, and there is not a vote documented; the beach private roads were being plowed as a courtesy. Past minutes where this topic was discussed include:

- Board of Finance Meeting April 20, 1978: The matter of snow plowing at the beaches by the town was discussed. Mr. Moore explained that since the association roads are private, only the most important ones are plowed, although he stated that during the blizzard in February additional roads were plowed on request to enable people to get to their jobs. Mr. Moore stated further that in most cases the roads themselves were not up to town standards and that the plows could damage them. Mr. Marsh suggested there that possibly statements should be obtained from the beach associations absolving the town of any responsibility in the event of damage. However, this did not appear to be acceptable. It was explained by many of the beach association representatives that they have the power to tax their own members up to 10 mills, and most of them do so. It was the consensus of the meeting, in connection with snow plowing, that the beach association would be content with the emergency plowing of their roads as in the past.

\$18,500 was approved at this meeting for snow plowing in the town budget, provided the beach areas are plowed as they have been in the past. (only emergency plowing as above)

- Selectman's Meeting December 3, 1979: Item #7 "Mr. Moore stated the Board of Finance has asked the Selectmen for input on the snow plowing of the beach roads.

Further input was obtained by Bonnie from Paul Gills (Sr. Risk Management Consultant CIRMA)

- Plowing the private roads certainly increases the liability exposure to the town. Since they are private roads, the town does not have liability coverage for road conditions, hazards, etc. You do however have coverage for snow plow operations and subsequent liability, as limited by state statute, for deficient snow removal. One concern is the practice of making a quick pass with no further clean-up. This increases liability exposure to the town as the plowing is not up to the standard of other town owned roads.
- The town is also exposed to 'nuisance' claims involving potential damage to mailboxes, fences, shrubs, etc. If curbing is damaged by plows, the town would be liable for repairs.
- Discontinuing the snow plowing practice, even after 25 years of accommodation, would not open the town up to liability.
- Although the practice of plowing these roads has been done as a 'public safety' courtesy to allow access for fire, police, EMS, this practice increases liability and costs to the town. There is no legal obligation of the town to provide emergency access to these private roads.
- Paul Gills informally checked with a few of our Public Works directors who indicate they have town/city policies of not plowing private roads or associations.

Marylin Clark (Old Lyme Town counsel) also stated to Bonnie that the town does not have a legal obligation because they have done this in the past. She echoed Paul Gill's comments above.

With the legal response indicating the current practice of snow plowing the beach private roads "down and back" / a quick pass, as increasing the towns' liability exposure as the plowing is not up to the standard of other town owned roads, Beth Sullivan made a motion to delete option "Town plows town roads, and beach private roads as currently doing (down and back)", seconded by David Flagge, and passed. (Rich Kingston opposed all others in favor.)

A motion was made by David Flagge to recommend options #1 and #2 to the Board of Selectmen, seconded by Cindy Hautaniemi, and passed unanimously.

A motion was made by Cindy Hautaniemi for committee preference to be Option #2, seconded by Beth Sullivan, and passed (David Flagge and Anne Coburn opposed, all others in favor.)

The committee supports the following recommendations to be made to the Board of Selectmen:

**1. The town needs a written policy indicating which roads are to be plowed, and prioritizing the order in which roads will be plowed.**

**2. The 2 options below will be presented to the BOS with the legal and financial implications noted.**

**3. The preferred option by the committee is Option 2: town plows town roads, and private roads after private roads apply to the town for snow plowing.**

**Understanding the implications, the stated reasons for supporting this option are:**

- It would ‘lessen the blow’ to the beach private roads as they would be able to apply to the town for potential snow plowing, as would all private roads.
- Although a lot of emotion is attached to stopping a past courtesy, legally the beach private roads are the same as other private roads.
- It is the right thing to do.
- It would bring the town together, with all private roads being treated equally.

	Option	Legal Implication	Financial Implication	Miscellaneous
1.	<b>Town plows only town roads</b>	None. No legal implication for no longer plowing the beach private roads.	<ul style="list-style-type: none"> <li>• ↓ budget due to not plowing beach private roads</li> </ul>	Strong sentiment from beach private roads to the discontinuation of town snow plowing. Disappointment from other private roads that would like their roads to be plowed by the town.
2	<b>Town plows town roads, and private roads after road applies to town for plowing (must meet committee snow plow road standards)*</b>	Town liability if accidental damage to private property while plowing.	<ul style="list-style-type: none"> <li>• ↑ of ~15-20% due to overtime for workers (no ↑ to salt or sand budget)</li> <li>• Additional mason truck (~47,000)</li> </ul>	Most ‘fair’ approach to all town residents; both beach private roads and other private roads treated equally.

\* If this option were adopted, the private road/association would have to apply to the town for snow plowing, and the town would then review the road to evaluate it meeting the ‘snow plow road standards’.

**Draft Committee Road Standards for private roads to be plowed by town:**

- Paved (not dirt or gravel)
- Need turn around at end for truck
- No speed bumps
- Minimum width – narrowest town road to be the standard (Ben Franklin?)
- Edges of road trimmed of brush / no overhanging of brush
- No on-street parking
- No unreasonable grade, sharp turn, or deep ditches on edge of road but ok if guard rail between road and ditch

Of important note: Ed Adanti states that in a time of emergency, specifically a fire, police or ambulance call, the town truck(s) will break away from their current location and clear the road for the emergency vehicles – for both town roads and private roads. This is at the discretion of the town.

David Flagge voiced concern about recommending any option in opposition to the legal counsel. While he thinks Option #2 is a great option, he is concerned about liability.

Paul Yellen will present the committees decisions to the Board of Selectmen at the meeting on February 21<sup>st</sup>.

Motion made by Rich Kingston to adjourn, seconded by Bob Vanesse, and passed unanimously to adjourn at 8:30 pm.

Respectfully submitted,  
Beth Sullivan