

BOARD OF SELECTMEN

JANUARY 12, 2015

MEMORIAL BUILDING

6:45 P.M.

The following are to be considered draft minutes until approved by the Board.

Selectmen present: Chairman, Don Hill; Leigh Callaway, and George McCusker.

The Selectmen entered into non-public session at 6:45 p.m. Per RSA 91-A: Personnel to meet with Police and Highway department heads to discuss compensation of specific employees. The Selectmen sealed the non-public minutes and called the public session to order at 7:00 p.m.

Others present: Tim Julian, Bill Huntoon, Pete Abair, Tom Duling, Bryan O'Day and Tamara Butcher.

Don reported in the non-public session compensation of specific employees was discussed. Nothing definitive has been decided but a suggestion has been for 2.5% across the board as minimum recognition of an employee's continuing service to the town. The Selectmen are studying wages of other towns comparable in size, and are trying to bring compensation for positions that fall below the average.

Scheduled appointments:

Library Trustees: Barbara Cooper, Art Bobruff, and Joyce Guinther. Barbara reported the trustees received a report from the auditors regarding areas of recordkeeping weakness. After reviewing procedures with the librarian, the trustees are satisfied there is no serious or legal misuse of funds. This is more a matter bookkeeping procedure. New procedures have been implemented and they are confident the concerns are answered. Barbara spoke to George McCusker regarding the auditor's report and he suggested meeting with the Board. Don stated the Selectmen get these reports as well, and it is not an attack or issue of malfeasance, rather something that needs to be addressed to be sure proper documentation and accounting practice is followed.

Leigh stated to address one of the auditors concerns, a separate line has been added to the budget to account for substitute wages for when Steve is away. Art stated the question has come up whether these individuals are being paid enough to have withholding versus a 1099. This will be researched further.

Bob Costello reported he takes books from the library following a book sale and passes them along to prisons, specifically in Texas and Ohio. Texas now wants proof of the library's 501 status. Steve gave Bob a letter stating the Library was an extension of the town but they (Texas) are not satisfied with that. They are asking for something more from the town. Don commented that what Bob is doing is great but the Selectmen need more clarification about the request. Tim Julian stated he contacted Texas for more information but "no one would give him the time of day" The Board agreed to table further discussion until there is more documentation. Don

stated this is something that may need review by legal counsel before attaching the town tax exempt ID to anything.

Review of Draft Ordinance for Snowmobiles on Town Roads and Land.

MVST members present: Josh Worthen, President; Phil Lebrecht, Todd Fleury, Susan and Michael Chiarella.

Josh stated the State has changed regulation of speed limits on roads per RSA 215C:8. Since the proposed ordinance cites RSA's throughout the document, he suggests sticking with the speed limits the State has researched. Cooling apparatus on newer sleds can cause issues at 10 MPH. MVST respects the Selectmen's decision to implement lower speed limits on sensitive roads in Springfield. Leigh noted the speed limit was drafted due to issues with Deer Hill Road. Deer Hill Road remains an exception and the speed limit there remains at 10 MPH. Josh noted that is understood and it is posted as such and has been noted in the minutes from those meetings.

Mike and Sue Chiarella addressed the possibility of adding provisions to allow an individual living close to a trail who is otherwise unable to access the trail, to leave their driveway and travel a certain distance on a Class V road to reach the designated trail. Mike found an ordinance where this is allowed as a reference. Tim stated years ago there was a State law similar to this, but the State got rid of the law. Tom Duling stated they did away with the law because it was abused so much. Lengthy discussion followed as to potential problems and concerns regarding safety, abuse and enforcement issues. Todd Fleury stated due to potential abuse, the MVST would strike their request.

Josh addressed RSA 215C:28 regarding modification of exhaust. MVST feels it is extremely important to add this to this ordinance even though it is covered by State law as the noise is a sensitive issue and can add to the potential loss of trails. Tim Julian states he uses State law when dealing with this issue. Todd stated since other RSA's are being cited in this ordinance the club felt adding it for reinforcement is important.

There was discussion whether there needed to be language added specific to allowing maintenance of trails defining who is allowed to do grooming. Don noted that this document is not a contract between the Selectmen and other parties. Maintenance and grooming should only be by written authorization from the Board of Selectmen. The board was in agreement (motion by George) to add language regarding the noise RSA.

Leigh will draft changes to the Ordinance and have it available for public review as an attachment to the January 12th minutes.

The changes will be reviewed again at the Selectmen's meeting on January 26, 2015 at 7:00 p.m.

Josh asked if the Town would be interested in contacting counsel for interpretation of the covenants in the easement that discontinued ownership of School House Road, conveying exclusive rights to three entities. An ongoing challenge is the right for the groomer to travel on

School House Road, and the ability to cut brush. Star Lake is happy with the liability provisions provided and have no issue with maintenance and groomer use. Hayes Trust is not satisfied with the liability will not allow maintenance. There has been no communication from Seekamp.

It has been stated that snowmobiles will not be prohibited, but groomer use and brush removal is. Brush is growing in and making it difficult for snowmobilers as well as bikers, horseback riders, snow shoeing etc. on that section of School House Road. Don stated he felt it was difficult to spend tax payer money to represent MVST in this issue. Josh stated the Town signed the easement. MVST is not the easement holder, the Town is. MVST is willing to do brush clearing and trail maintenance to make it better for all allowed users noted in the covenants, not just for snowmobiling. The liability coverage provided is reasonable and acceptable throughout the State, but not enough for one party. It was mentioned that Star Lake and others lobbied for support from the club and snowmobilers before these easements came before the voters. The consent granted in the easement now seems to be unreasonably withheld. The Selectmen noted the concern. Mike noted the Town or other parties may need to seek further judgment to determine clarity and a reasonable standard. It is not just the snowmobile club, but other public users that are being affected by this.

Josh stated the members of MVST appreciate the foresight and future thinking by the Board of Selectmen creating this Ordinance. No other town in NH has this Ordinance.. Don thanked Leigh for all the work he put into this.

School Board Report:

Todd Fleury, School Board Representative: Leigh asked Todd for his input regarding an e-mail from a Webster Selectman requesting a warrant article discussion asking state legislators to reform state funding for education. Todd stated the State is having a hard time now, and he would be worried about what this would open up and additional taxes that could be levied on us.

Todd reported his school board seat is up for re-election. He has checked to see if there is any other interest. He will have some job responsibilities limiting his time in the next 2-3 years, but he will run again. Selectmen commended Todd for a job well done.

Review of Budget: Don reported the budget meeting last week went smoothly. There are no big ticket items up for discussion. One area of concern is the paving and how the Selectmen have proposed "dipping" into the unreserved fund balance for that. There was discussion about maintaining and amount in the fund balance for paving, to complete larger paving projects once every two years instead of smaller projects each year. The budget committee is concerned with reducing the paving budget by 40K this year and then raising it back up 40K next year. They are looking to keep things on a more even keel.

Recommendations for wages need to be finalized. The board agreed to continue this meeting to finalize wages. George prefers evening meetings so the public can attend. Leigh would rather have daytime meetings. Motion by Leigh to continue this meeting to Wednesday, January 14 at 3:00 p.m.; second by Don. Two in favor, George opposed.

Projects List:

Billy stated he has not gotten a chance to get numbers for painting the historical society or for repairing the overhang above the doors at the highway and fire station. The Board stated they encumbered funds from 2014 to have the door overhangs done ASAP as this is a safety issue.

Minutes of December 22, 2014: Motion by George to approve as written, second by Leigh. Passed unanimously.

Board and Department Updates:

Budget Committee's next meeting is Monday, January 19, 2015.

Planning Board: Don reported the Planning Board held a work session to review the zoning amendments. There was a lot of information to digest in a short amount of time. There will be a public hearing to review the proposed zoning amendments on Tuesday, January 20, 2015 at 7:00 p.m.

Conservation Commission: George reported the CC has drafted letters and will be sending them to local loggers about cleaning up the blow down in the Kinsley Lot.

Correspondence:

Town of Hampton Board of Selectmen seeking community support to appeal the State's statutory exemptions allowed under Water and Air Pollution for power plant facilities. The Board agreed they would not participate in the consortium.

Signatures:

Intent to Cut Timber forms approved for Malcolm and Dallas Patten; two parcels with access off Main Street.

Miscellaneous Business:

Leigh provided draft copies for amending the personnel manual regarding rollover of vacation time. The Board will table decision for now.

The amended beach ordinance was approved and signed.

Leigh will send a response to Mr. Wood, from LSPA regarding a request to form a joint committee to investigate a shared wetland protection ordinance.

At 8:50 p.m. the Board voted to continue this meeting to Wednesday, January 14th at 3:00 p.m.

Those minutes follow.

WEDS, JANUARY 14, 2015

3:00 P.M.

Continued from Monday, January 12, 2105.

Selectmen present: Don Hill, Chairman; George McCusker, and Leigh Callaway.

Others present: Pete Abair and Tamara Butcher.

Meeting called to order at 3:00 p.m.

Miscellaneous Business: The contract for the upcoming year's audit was reviewed and signed.

Pete reported a complaint was received from a resident regarding a local business person getting sand at the highway garage with a dump truck and taking it to Sunapee to use on his property there. Board reviewed the policy. Sand is for Springfield resident's private use only, limited to buckets. The sign needs to be put back until a new sign clarifying use is available. Don will call the gentleman in question.

The Board reviewed positions in town and compared wages based on the 2013 Wage and Benefit Study from NHMA, comparing towns the same size as Springfield

Tamara presented spreadsheets for the various duties of her position.

Further wage discussion was tabled. The board continued with the operating budget.

Leigh states he feels strongly there needs to be money for a zoning administrator especially if wetlands amendments are approved. This is not supported by the budget committee. Business and occupations are not being handled or enforced consistently. There is no one person to "bird dog" this. Don stated the Planning Board has talked about this. He still feels there are people on the board that have not come forward, making it difficult to enforce. If the Selectmen feel strongly about an administrator, they may need to present two budgets to the voters, and be prepared to speak to this at town meeting. \$1.00 was appropriated in the 4130-163 zoning compliance line, in case the Selectmen find someone is needed in this capacity.

Motion by Don to move the budget excluding wages forward to the budget committee. Motion seconded by Leigh. George stated he is not in favor of accepting this budget as there are several things he is not comfortable with that he has been against from the beginning. Don stated the Board has reviewed these numbers and spreadsheets many times at public meetings and he does not feel there is a need to go back over these line by line, and these concerns should have been addressed during the process. Don called for the vote on the motion. Two in favor, one (George) opposed.

At 3:55 p.m. The Board voted to go into non-public session per RSA 91:A-3 Personnel, for discussion of each individual's wages.

The Board voted to seal the non-public minutes and enter back into public session at 5:00 p.m.

Miscellaneous:

NRRA dues approved.

Leigh noted paving was not done in 2014 so that money would be available, as needed, for the emergency replacement of the septic system. He strongly recommends that \$120K be appropriated toward paving for 2015 from the unreserved fund balance. He estimates around \$80K going back into the fund balance from 2014. Decreasing the usual 80K in the highway paving to \$40K this year would \$40K from having to be raised through taxes. That is the justification for the way highway paving is appropriated.

The meeting adjourned at 5:10 p.m.

*** See the following 3 pages for the January 12, 2015 amended version of the Town Ordinance for Snowmobiles on Town Roads and Lands.

Minutes submitted by,

Janet Roberts

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TOWN OF SPRINGFIELD NEW HAMPSHIRE

SNOWMOBILES ON TOWN ROADS AND LANDS

Town Ordinance #

January , 2015

This ordinance is effective January __, 2015 and remains in effect until revised or cancelled. Violation of this ordinance can lead to warning or penalty of up to \$120 per occurrence.

Snowmobiling has been a popular wintertime sport in Springfield for many years because of our rural and attractive natural environment. The Town encourages property owners to open their lands to the sport. This follows the spirit and intent of New Hampshire RSAs 212:34 and 508:14 which were enacted for that reason.

AUTHORITY

This Ordinance is enacted pursuant to RSA 215-C:31 which authorizes the Board of Selectmen to regulate the operation of snowmobiles within Town limits. In the event of conflict between this Ordinance and State statute or case law, the State mandates shall apply. Operators of snowmobiles are required to be aware of, understand and conform to all provisions of this Ordinance and State law, including but not limited to RSA 215-C.

APPLICABILITY

With the exception of law enforcement, this Ordinance applies to all snowmobile operators regardless of place of residency/domicile or club affiliation. It applies to all roads, lands, bridges and water bodies owned by the Town of Springfield or portions thereof.

GENERAL PROVISIONS

- **Limitation of Liability**
Within the provisions of this Ordinance, the Town of Springfield authorizes use of its roads and lands free of charge for the recreational purpose of snowmobiling by operators and spectators. Pursuant to RSA 508:14, the Town accepts no liability for personal injury or property damage resulting from the use of snowmobiles on its roads, lands, bridges, water bodies or any portions thereof.
- **Non-Recreational Use**
Non-recreational use of snowmobiles (e.g., hauling building materials to areas accessible only during winter) on Town roads, lands, bridges, water bodies or any portion thereof is not authorized except on an ad hoc basis by permission of the Board of Selectmen and recorded in meeting minutes.
- **Responsibilities and Rights**
Snowmobilers shall operate their machines in a courteous, respectful and responsible manner. They are encouraged to positively promote snowmobiling for their own best interests and for accord in the community at large. Best practice noise abatement procedures shall be followed, although modification to snowmobiles is not required by this Ordinance. Pursuant to RSA 215-C:28, no person shall operate any snowmobile which has been modified in any manner which will increase or amplify the noise

emitted above that emitted by the original manufacturer. Along with these responsibilities, the Town recognizes the right of snowmobilers to take advantage of Town resources for their outdoor enjoyment.

- **Safety**

Operation of vehicles on Town roads is governed by basic rules laid out in RSA 265:60. Within the provisions of this Ordinance, the Town authorizes the use of its roads, lands and water bodies for snowmobiling on the premise that safety is first and foremost the responsibility of individual operators. In the absence of a hazard that could not be discovered while traveling in a reasonable, prudent and lawful manner, there is no such thing as an “unsafe” road. In the event that a road is deemed insufficient, it shall be closed immediately to all vehicular traffic by the Road Agent, Police Chief or the Board of Selectmen.

- **Maintenance and Signage**

Except on Class V roads, the Town of Springfield accepts no responsibility for maintenance of snowmobile trails, including but not limited to grooming or clearing of vegetation. The Town will not install or maintain snowmobile traffic signage. The Town reserves the right to remove signage on its lands, roads, bridges and water bodies or portions thereof which it deems inappropriate or does not apply to safety of snowmobile operation.

SNOWMOBILE USE ON CLASS V ROADS

Pursuant to RSA 215-C:8X, use of snowmobiles on Class V roads is not authorized without a signed application which in turn is approved and co-signed by the Board of Selectmen. “Blanket” application will not be authorized. Instead, written application and approval shall be made for specific and clearly defined segments of Class V road. When a segment of a Class V road is to be considered for snowmobile use, the public will be notified in accordance with RSA 91-A:2 II. Authorizations to use segments of Class V roads shall be for indefinite periods and shall be reviewed every three (3) years. On a case by case basis, the Board of Selectmen may impose additional restrictions including but not limited to speed limit, use during snow clearing, during school bus operation and during certain hours of the day.

SNOWMOBILE USE ON CLASS VI ROADS

Snowmobile travel on Class VI roads is authorized subject to applicable State law. No application is required for access by individual segments. Class VI roads will not be maintained without authorization and permit by the Board of Selectmen pursuant to RSA 231:21-a II and RSA 236:9 and recorded in Selectboard minutes. Approved road maintenance permits shall be for an indefinite period and will be reviewed every three years.

SNOWMOBILE USE ON TOWN LANDS

Pursuant to RSA 215-C:49, the use of snowmobiles on Town lands is authorized but only on designated trails with approval by the Board of Selectmen and recorded in meeting minutes. Such approval shall be for an indefinite period and will be reviewed on an as-

needed basis. Before clearing or grading begins for new trails on Town lands, approval must be obtained and recorded in Selectboard meeting minutes.

REVOCATION AND MODIFICATION

The Board of Selectmen reserves the right to revoke or modify previously authorized snowmobile operations on any of the Town's lands, roads, bridges and water bodies or portions thereof without notice and for any reason it deems appropriate.

Selectman

Date

Selectman

Date

Selectman

Date