

**BOARD OF SELECTMEN**

**OCTOBER 20, 2014**

**MEMORIAL BUILDING**

**7:00 P.M.**

*The following are considered draft minutes until approved by the Board at their next meeting.*

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

Members of the public present include residents from Deer Hill Road, and members of Mascoma Valley Snow Travelers. Those present are identified in these minutes if they made public comment.

Don called the meeting to order at 7:00 p.m., and explained this is a special Selectmen's meeting. Two orders of business that will be addressed later are signing the Department of Revenue form MS-1; and reviewing information from the Tax Collector as today is "tax deeding day".

Don stated the number one reason for the meeting was to review snowmobiles use as it pertains to Deer Hill Road. One week ago there was somewhat of a proposal from the Baptist Pond Association which involved traveling over ice on the pond. At the September 22 meeting and again last week, riding on the pond was ruled out. Don asked Josh Worthen, (President, MVST) for an update.

Josh reported no change from last week. There has been some correspondence from the Hayes Trust that the insurance policy is not acceptable to them. Having heard nothing from the Deer Hill resident's following last week's meeting, Trail Administrators Erik Rollins and John Anderson went to the Rifkins and the Hayes Trust and could not work out anything. There has been no further acknowledgement from Seekamp, Charpentier, or the Baptist Pond Trust.

John Garfield stated a couple of weeks ago an appeal was made for a compromise. He urged the Board to consider personal feelings in their decision. His concern is with the number of snowmobiles involved and the numbers quoted in September seem to be quite large. A large contingent of snowmobiles in any place leads to more difficulties, and more changes in the nature of the town of Springfield and in the more pristine areas inhabited in town, especially if the numbers that were stated are actual.

Don stated the snowmobile club is not rounding down their number, but rather have given a high estimate of the number of snowmobiles on a busy day with perfect weather conditions. It is not going to be a typical situation. In speaking with the farm manager at Star Lake Farm, snowmobiles have been through there right along and there have not been issues.

Leigh stated the numbers affecting the quality of life is nebulous. All the residents have talked about the safety. People think Deer Hill Road is not safe. Using the pond is not safe.

Cynthia Hayes stated the safety concerns on Deer Hill have not been addressed by the Selectmen. She would like to hear what the Selectmen have to say.

John Chiarella stated he is a member of the snowmobile club. He has had experience grooming trails for cross country skiing, and has spent a good deal of time on the trails not snowmobiling but skiing. He has not found the situation to be unsafe, and everyone he has met has been courteous and respectful.

Roads are quite often used as part of the trail system in the State. He has seen good speed and judgment used on the trails. He personally was on a groomer that went through the ice, and knows someone who lost three family members on ice. Safety on ice is a real concern.

Leigh noted the Deer Hill Road Association's letter states there are 5 curves and 4 grade changes on the road. This is a known fact. He has traveled the road, but not in the winter. He reviewed NH RSA 265 which lends for more emphasis to travel safely given the known conditions. The RSA applies to everybody using the road so as not to put themselves or someone else in jeopardy, whether traveling by snowplow, car, or snowmobile. The Selectmen can set a speed limit that can be enforced.

Mike Chiarella stated he disagrees that snowmobiling is not part of the culture here in Springfield. He has been here long enough to know an awful lot of people who live here and snowmobile for recreation. When he moved here "the first time" he snowshoed and skied on the trail that used to run by their house on Nichols Hill. He never encountered a problem.

Janet Roberts' (asking to speak as a resident) noted she is at least a 4<sup>th</sup> generation resident, having raised the 5<sup>th</sup> generation that now is raising the 6<sup>th</sup> generation. Her family has been able to see many places in Springfield and the surrounding area on a snowmobile, from Aaron's ledge, to the view at Star Lake, and travel to other towns and places. Snowmobiles don't usually run back and forth in one area, but chose a destination to ride to, perhaps packing a picnic, and hopefully being able to find an alternative route to return, while spending time with family and friends. In the past, snowmobiles used Deer Hill, Nichols Hill, Old Grafton Road etc. to name a few. Using roads for snowmobile access is not new here.

Sylvia Garfield stated their concern is not the local traffic. Their concern is with the numbers and the noise for the people living on the road, and having published trails through that area. Speed limits are typically not followed on roads and not enforced, and safety can't be guaranteed.

Don stated allowing the use of Deer Hill Road has been going on for three years now. Safety issues have been shared, but he can't say there is a report of any accident, but some may say it is almost "time for an accident". Everyone should drive to avoid an accident. The snowmobile club has expressed many times they would prefer not to travel the road. The numbers they project are on the high side, given a perfect day with perfect snow conditions. Snowmobiles have been part of the fabric of town as long as there have been snowmobiles. There is a need to be sure the club has access to the state trail system, not as a major corridor, but providing access to a corridor.

John Garfield voiced his concern that the trail is being publicized in snowmobile applications encouraging people to come use these trails that goes beyond the local club riding local trails, and using this as a local way. He believes people are being encouraged to come and enjoy these trails as access to the other corridor. If that is the case, then (the Selectmen) need to think seriously about designating these trails.

Don mentioned that several roads are already being utilized as the trail system.

Josh noted Deer Hill has been publicized as a trail for the past three years, this is not new. The volume of snowmobiles is not changing. There are no services offered in Springfield. People come because of

the beauty, whether it is the view from Deer Hill or Aaron's Ledge. Corridor 5 is now out of town and is where people are going to travel.

Don stated the trail is no longer the thoroughfare it was when Corridor 5 ran through town. Josh stated after the 9/22 meeting, he realized when Mr. Seekamp spoke of 60 snowmobiles going through there it was the day of the snowmobile club fundraiser with the 60 snowmobiles in a 2 hour period.

Ed Abair stated the club asked for permission to use Deer Hill Road 3 years ago as an access to get to other trails. It has always been publicized and needs to be publicized to get funding from the State.

Don asked to keep in mind that the snowmobile club has stated many times they prefer not to be on any road. They promote operating safely and obeying the speed limit. To use the roads, they must do so by permission. Given that there is no other way available right now, he wants to support the club.

Jeff Haley stated he owns 1 ½ acres on Hogg Hill and was approached by the Lake Sunapee Snowmobile club to have the trail on his property when he was building his house there 10 years ago. Back then it was Corridor 5. The trail goes fairly close to his house. Back when Corridor 5 went through town on one of the most pristine days of the season his highest estimate of riders would be 100 sleds. Since Corridor 5 was rerouted (2009) the very highest is 50-60. If he and his family go out riding, and invite one or two other families it is not unusual for there to be 10 or more sleds in one group. So by the end of the day, there would be adults in their 40's and 50's and kids under the age of 15 in a controlled situation. He gets the impression people feel snowmobilers are "marauding, malicious animals" but that is not the case. In the ten years he has lived at his property he has never had a problem with trash being spread around, or abuse of his property. Riders stop and gather their group before crossing the road. The situation is no different than people walking or driving by. The potential is always there for abuse, but overall snowmobilers are a self-policing community. There are over 8,000 miles of snowmobile trails on private property in the state and most snowmobilers conduct themselves in a way that keeps the trails open.

Leigh stated although he completely and passionately understands what may be considered an invasion of the Deer Hill Road folks, the volumes of people who enjoy the sport that are tax payers have the right to use the road. Financially, the numbers bear out that support needs to continue. He reiterated any road is as safe as the people driving any type of vehicle on that road. Everyone needs to behave.

Don consensus is everyone has been given an opportunity to come up with somewhere other than the road to operate. He would like to see the permit renewed for three years, as there is not currently any other option to connect.

Leigh made a motion to allow snowmobiles on the entire length of Deer Hill Road (1.6 miles) indefinitely until a further solution is found. Motion seconded by George. Don questions what would happen if the trail was made indefinite and the club connected somewhere else, or if conditions change. Leigh amended his motion to renew for one year. There was no second.

Don noted three years ago, there had been discussion with Star Lake Farm and the camp to have the trail go through the camp property and come through Star Lake on School House Road. There is always a possibility some alternative could be worked out in the future.

Josh commented if the trail was granted indefinitely the liability remains on the club and the State.

John Chiarella stated he was a Selectman back when the club was given 1 year and the reason for the 1 year was an insurance issue. The corridor has changed and there have been changes with landowners and changes with insurance.

Leigh stated the information he got from NHMA legal counsel was RSA 508:14 provides insurance indefinitely to landowners.

John Trachy stated the disadvantage is the club has zero incentive to develop an alternative if there is no review on an annual basis.

Erik Rollins stated they have incentive. He was at Mr. Trachy's house this week. He discussed the possibility of a trail near the Interstate close to the Deer fence. Mr. Trachy said no.

John stated that "no one in this room has more footage on their property for snowmobile use than the Hayes Trust". He cited the number of feet available on School House Road, and the other trail (Lake Sunapee Club trail # 351). Someone mentioned that Mr. Trachy is disallowing use of School House Road. Mr. Trachy stated that the club is not meeting the requirements of the easement. Hardware and signs have been nailed in trees, trees have been cut, and they have not gotten permission to operate equipment nor provided adequate proof of insurance. Leigh reiterated the RSA and the insurance it provides. Mr. Trachy stated the RSA does not include defense costs.

Don stated the State provides blanket coverage for all landowners, and the coverage is the same used throughout the State. He suggested setting aside the School House issue as it appears there are some road blocks that need to be worked out. The Town accepted and club lobbied for the discontinuance of the roads.

John Chiarella stated he was concerned when the proposal for discontinuance first came about. He is distressed seeing how this has come out in the long run, and brings up more concerns.

Don reiterated the manager at Star Lake Farm is supportive of the snowmobilers and the rights of snowmobilers, and is willing to reroute the trail if it would help the club. Star Lake is fine with the laws and is fine with the insurance protection.

Mike Chiarella noted anyone can get sued for anything. States around the country have thousands of miles of snowmobile trails on private land. The trail system is for the protection of a corridor where trails are maintained, groomed, and signed, and for safer access and less liability. He is disappointed more people aren't stepping up to help the club. He has read the easement many times, and feels there is an overly technical reading of that easement by the landowner. The easement is talking about trail maintenance, not about groomers. The club has insurance to regarding liability where the groomer is concerned.

Syliva Garfield noted concern that State insurance laws could change and that could figure in a decision about having a trail in perpetuity. They are part owners of the Baptist Pond Trust and went back and looked at that area as a possible access if the trail could go across the pond. They are agree going on the

pond is not the best idea but it could get snowmobiles off the road. Ausbon Sargent is the holder of the easement and they sought their permission before suggesting the trail. Ausbon Sargent indicated they have never had a problem with the snowmobiles on the other part of the easement. They looked for alternatives.

Tom Duling noted that the State insurance is a two million dollar policy not just for snowmobiles, but includes, hunters, fisherman, hikers, bikers, etc., across the State. There has not been a liability issue unless someone has deliberately created a nuisance.

Sylvia is concerned that the law could be changed.

Michael Chiarella noted it is his understanding the laws have been strengthened to increase protection. The Greenway trail is a prime example of a connecting trail system going through many miles of private property and there has never been any concern of liability.

Todd Fleury noted there has been a motion made, and a second with a potential amendment. Snowmobilers have been riding the road for three years now with no reported incidents. He would like to ask if the Selectmen would like to ask rather than a yearly review for a three year review to make sure insurance and everything else is in place. Long-term arrangements with the town can last, agreements with landowners may not.

Leigh stated his amendment for one year was a "knee jerk reaction". Indefinitely may be overkill. Review every three years is a good compromise. The parties have been at this for greater than a month now.

Leigh moved to amend his motion to approve the use of Deer Hill Road indefinitely, with review every three years. Amendment was seconded by George and unanimously approved.

Don extended well wishes and safe travels to everyone.

The Selectmen signed the agreement with MVST for the use of Deer Hill and the other Class V and VI roads; to be reviewed every three years.

Tim Julian and Mike Lawlor stayed for the remainder of the meeting.

Leigh stated the NHMA suggests a town ordinance to address enforcement issues for trail use on Class V and VI roads. He discussed potential issues with Tim Julian, Police Chief. Leigh will draft language for a potential ordinance and review with Tim Julian. Board is in agreement with Leigh to do this.

Don noted tax deeding was to take place today and he was been notified by Cynthia Anderson, Tax Collector that there were only two properties with outstanding balances owed. A payment had been received for one of those, and the other party had not returned the return receipt for mailing. Cynthia tried to contact that owner, who typically pays on the day of tax sale. Cynthia has been in touch with other town clerks who have a mechanism in place to work with tax payers who have demonstrated efforts to pay their balance but are left with a small balance remaining. Cynthia has shared some information from other towns and Don would like to draft some language for a payment arrangement.

Motion made by Leigh to waive tax deeding for those properties, at this time. The motion was seconded by George and unanimously approved.

The Selectmen agreed for Don to pursue drafting language and they will work out the details of the document at a later time.

Meeting adjourned at 8:20 p.m.

Submitted by,

Janet Roberts