

## **SELECTMEN'S MEETING**

### **JUNE 24, 2002**

**MEMBERS PRESENT:** Margaret Crisler, Roger Hohenberger, Galen Stearns, Christopher Doyle and Alan Carpenter. David Sullivan, Town Administrator, was excused. Meeting commenced at 7 pm.

**SITE VISIT:** The Board met at the Depot to view the Rockingham Recreational Trail.

**ROCKINGHAM RECREATIONAL TRAIL:** Mrs. Crisler stated the order for the discussion - State Officials, ATV Members and public input.

**State:** David Walsh, Fish & Game Patrol Officer, told the Board and residents that he is the only patrol officer for Windham and seven other towns. He noted that the Department does, on occasion bring additional officers to an area which is experiencing problems.

Officer Walsh noted the following rules:

- Riders cannot ride on private property without written permission from the owner on their person.
- Owners are not required to post their land prohibiting ridings.
- State laws pre-empt own.
- Legal noise level - up to 99 decibels.
- Juveniles 12 and older can ride alone providing they have completed an OHRV Safety Course.
- Any juvenile can ride on their own machine with a parent.
- Anyone with a valid driver's license can ride.
- Trail posted 35 mph.
- Riding Hours - ½ hour before sunset to ½ hour after sunset.
- State has no open container law - DUI law is in effect.
- Discharge of firearms is not allowed within 300 feet of a dwelling.

Chris Gamache, Bureau of Trails, stated that the Rockingham Recreation Trail runs from Windham to Fremont and is open all year. DRED Administrative Rules govern the trails. The Bureau is responsible for the maintenance of the trails and the trail was graded earlier this year. They also constructed a new parking lot in Fremont. The cost for the parking lot was shared by the State and Fremont.

Mr. Gamash told the Board that new legislation will go into effect on July 1st that will allow towns to apply for grants to offset the cost of police services. These grants can be used for equipment, training and overtime costs for the local police. Most penalties for offenses are fines.

**NHATV Club:** Chris Oliverio, member of the Board of Directors, stated that the Club is working with DRED on maintenance and patrol of the trails. The Club also fundraises for Special Olympics and Toys for Tots. Their activities and plans include: placement of bulletin boards, working with Town for dumpster and portable toilets, trail patrols and crossing signs,. Their membership is approximately 2200.

Tom Campbell of the Derry Pathfinders stated that their organization is working with the NHATV Club on their projects.

**Public Input:** The following residents voiced their concerns and/or support of the riders to the Board:

Robert Jacobellis, Michael Esposito, Wally Ramsden, John Mangan, Holly Lemany, Doug Dalissandro, William Hansen, Thomas Massie, John Downs, Barry DuBois, Carol Laverick, Patrick Schena, Sandra Mangan, Thomas Joyce, Dave Mallon, Norman Babineau, Jim Finn, Wayne Morris, Richard Comeau and Mary Devlin.

The concerns addressed by the residents listed above included:

- possible accidents,
- speed,
- noise,
- gunfire,
- vandalism,
- loitering,
- parking,
- restricted use of motorized vehicles in residential areas (Title 19),
- multi use of trails,
- possible noise ordinance,
- Windham being the trail staging area,
- costs of policing and maintenance of parking area,
- discharge of fireworks,
- historic nature of area and buildings,
- property values decreasing,
- need for education of riders,
- conservation,
- increase of ATV traffic, number of out of state riders increasing,
- keeping ATVs as a recreation use - small percentage of riders causing problems,
- timing and amount of grant possible for policing needs.

Robert Spoerl, Program Specialist, Bureau of Trails, told the Board that there are 14 ATV Clubs in NH and they are working to educate their members and get information to non-members. He stated that residents with complaints should call both Fish & Game and the local police. He stated that anyone giving permission to use their property would be provided with \$2M liability coverage from DRED. He also stated that a few years ago NH was experiencing similar problems with snowmobiles and those problems were resolved and he felt these problems could also be resolved.

The State officials at DRED are: Paul Gray, Chief Supervisor, Bureau of Trails; Richard McLeod, Director Division of Parks and George Bald, Commissioner.

**Police:** Chief Moeckel and Captain Yatsevich discussed the following issues with the Board. They are not in favor of policing with the old three wheelers they presently own as they have been outlawed. They feel enforcing present parking, spot inspections of trailers being unloaded and the police presence would be a good start. In order to properly police the trails, they would need an ATV, noise equipment, training and funding for the overtime.

After considerable discussion, Mr. Stearns motioned to have the Highway Safety Committee give the Board recommendations for placement of "no parking - tow zone" signs on Depot and Frost Roads as Fish & Game cannot provide adequate policing and until the Board has funding, training and equipment to properly patrol. In addition, to close the Town's parking areas to everyone and not allow signs, dumpsters or portable toilets. Mr. Hohenberger seconded. He suggested that the motion be amended to eliminate requiring recommendations from the Highway Safety Committee on the road postings and go right to the Public Hearing as soon as legally possible and that parking be allowed for Windham

residents.

Mr. Carpenter urged Mr. Stearns not to make that motion tonight. He stated that, although he was in agreement that steps needed to be taken to solve the residents' problems, he felt the Board should take 15 to 30 days to review the whole picture - including other areas of town. He also wanted to obtain a detailed drawing of the parking lot to decide placement of barriers. Mrs. Crisler and Mr. Doyle stated their support of the motion and supported closing the parking area to everyone for the present.

Mr. Hohenberger motioned and Mr. Stearns seconded to amend the motion to eliminate requiring recommendations from the Highway Safety Committee on the road postings and go right to the Public Hearing as soon as legally possible. Amendment passed unanimously. Motion passed 4-1 with Mr. Carpenter opposed.

Mrs. Crisler noted that the Board will continue to work with Fish & Game and local police to resolve the problems in the Depot. The Board will also schedule a workshop to further discuss this matter and possible solutions.

**NON-PUBLIC SESSIONS:** Mr. Carpenter motioned and Mr. Stearns seconded to go into non-public sessions in accordance with RSA 91-A:3, II b, c and e. Roll call vote - all members - yes. The Board, Chief Moeckel and Capt. Yatsevich were in attendance in the first session and the Board in the remaining sessions.

Mr. Hohenberger motioned and Mr. Stearns seconded to authorize Chief Moeckel to extend offers of employment to two candidates for police officers pending background and medical checks. Passed unanimously.

Mr. Hohenberger motioned and Mr. Doyle seconded to authorize Chief Moeckel to extend offers of employment to one full time dispatch candidate and one part time dispatch candidate pending background and medical checks. Passed unanimously.

Mr. Carpenter motioned and Mr. Hohenberger seconded to reappoint the following persons to the Conservation Commission: Pam Skinner and Thomas Seniow as regular members and Theresa Lucas as an alternate member - all for three year terms. Passed unanimously.

Mr. Doyle excused himself from this session. Mr. Hohenberger motioned and Mr. Carpenter seconded to reappoint Christopher Doyle and Robert O'Loughlin as regular members and Toni Pellegrini as an alternate member of the Board of Adjustment - all for three year terms. Passed unanimously.

The Board discussed a pending legal matter.

**PUBLIC SESSION CONTINUED:** Mr. Carpenter motioned and Mr. Doyle seconded to authorize Mr. Sullivan, with the Recreation Committee's approval, to reallocate \$5,000 from Recreation's trash line item to Griffin Park Soccer fields and request an additional \$5,000 from the Soccer Association to sod the new fields at the park. Passed unanimously.

Mr. Carpenter motioned to adjourn. Mr. Doyle seconded. Meeting adjourned at approximately 11: 45 pm.

Respectfully submitted,

Kathleen Davis  
Administrative Assistant

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

