

TOWN OF DEERING

762 Deering Center Road
Deering, NH 03244

Board of Selectmen Final Meeting Minutes

Thursday, June 15, 2023

7:00 P.M.

Members Present: Chair Jill Smith, Selectman Roy Watson and Selectman Steve Diers
Also Present: Town Administrator Peter Flynn and Recording Secretary Wendy Baker

Opening of the Meeting by the Chair at 7:00pm

Pledge of Allegiance

Item 1: Public Hearing-ATV Permission to use one thousand (1,000') of Town Owned Road.

Chair Smith made a motion to open the Public Hearing at 7:01pm. Seconded by Selectman Watson. Motion Passed 2-0.

Brad Fyfe announced that he is there from the Contoocook Valley ATV Club to discuss using 1,000' of road in Deering on Union Street and Longwoods Road to connect the Contoocook Valley trails.

Chair Smith said the format of the Public Hearing will start with public questions, then questions from the Board, then public comments and opinions with a limit of 2 minutes and 1 chance to speak.

Chair Smith opened the hearing up for public questions:

John Grant from Deering asked if the proposed area was an actual roadway?

B. Fyfe answered yes.

The question was asked if the ATVs would be allowed to be used after dark?

B. Fyfe answered no.

The question was asked if there has been a traffic study done on the proposed road?

TA Flynn answered that he has not found any information on a traffic study.

The question was asked about what the speed limit would be?

B. Fyfe answered the max would be 20mph but it could be cut down lower.

Donna Grant of Deering asked why they can't run at night with headlights?

B. Fyfe answered that it is a safety issue.

Keith DeMoura of Henniker said that The Contoocook Valley ATV Club set the restriction of not allowing driving on the trails at night.

John Grant of Deering asked if there was a difference for ATVs vs Side by Sides.

B. Fyfe answered no.

The question was asked if they were currently working on the section between Hillsborough and Deering.

B. Fyfe answered that all of these get connected then they need to go to the State for permission to cross over Route 149.

Chair Smith opened up the hearing for questions from the Board.

Selectman Watson asked if it was limited to ATV's.

B. Fyfe answered no, it is for both ATV's and side by sides.

Selectman Watson asked if anything can be done for safety measures since Union Street has a lot of children on it?

B. Fyfe answered that it is no different than motor vehicles and the posted speed limit for vehicles is 25mph.

Selectman Watson said there is a concern that this may set a precedence for other groups.

B. Fyfe said Hillsborough allows UTVs on the roads with certain perimeters.

Chair Smith asked who would take care of maintenance?

B. Fyfe answered that they would take care of all of the signs and if it was a section of dirt then the club would help maintain that if needed.

Chair Smith asked what is posted for rules on the trail?

B. Fyfe answered on opening day they are out and hand out pamphlets to the riders as well as engage Fish and Game and the local Police Department.

Chair Smith asked if Deering Police Department is responsible to enforce the speed?

B. Fyfe answered yes and Fish and Game.

Chair Smith asked what the time frame is for the trails to be open?

Keith DeMoura from Henniker answered from May 23rd thru November 4th.

Chair Smith asked how they notify everyone that the trails are closed?

B. Fyfe answered thru email, signs etc.

TA Flynn said he has met with Brad Fyfe and the TA in Hillsborough regarding this and Hillsborough will be the next town to commit to their part of the agreement. Deering is just giving permission to the 1,000' of Deering section. Deering needs to stipulate whether they approve of a 1yr, 5yr or indefinite agreement.

Chair Smith asked since Hillsborough is already open for OHRVs, what are you asking them for?

B. Fyfe said for the permission for ATVs to go thru.

Rebecca, a Deering resident on Union Street said she is concerned because it is a very busy road already and they don't abide by the 25mph now. She said she is not against this but please be safe.

Riche Colcombe of Hillsborough said it sounds like a police issue if it is unsafe today and the ATVs must pull over for any cars.

Nancy DeMoura from Henniker said maybe the ATVs will slow down the other vehicles by going 20mph.

Mike of Deering would like to see all restrictions removed from all roads.

Steve Livingston of Hillsborough said he is the one that spearheaded opening up the roads in Hillsborough for UTVs 8 years ago and they have not had one problem.

Chair Smith asked what kinds of signs would they post?

B. Fyfe answered speed limit signs, arrows, trail markers, caution, slow etc.

Keith DeMoura of Henniker said they are not permanent signs, they will install them at the beginning of the season and remove them when it is done.

Selectman Diers asked what kind of signs would be needed in Deering?

B. Fyfe answered directional and speed limit signs.

Lori Martinage of Deering said she is in favor of opening up the roads. Auto drivers tend to be worse and ATV riders don't want to lose their privilege.

Jim Peters of Deering said he is in support and it is a good first step.

Chair Smith made a motion to close the Public Hearing at 7:33pm. Seconded by Selectman Watson. Motion Passed 3-0.

Selectman Watson said he can't think of any reason to oppose.

Selectman Diers said if it is going to be clearly marked it will be a good test area.

Chair Smith asked if this opens the Town up to any liability?

TA Flynn answered none that I am aware of.

Chair Smith said she thinks it is the perfect test case and likes that it is a paved road.

The Board discussed the May to November open timeframe, the speed limit, sunrise to sunset, signs to say “you are sharing the road” and time limit for the agreement.

Selectman Diers said he doesn’t have an opposition to a 1-year agreement.

Selectman Watson said he doesn’t have a problem with a 1-year agreement.

TA Flynn said he needs a motion and there is one signature required on the agreement.

Chair Smith made a motion to grant Contoocook Valley ATV Riders to provide public ATV and UTV access starting on Longwoods Road at the Hillsborough Rail Trail onto Union Street, granted for a term of 1 year allowed during May 23rd thru November 4th from sunrise to sunset. Seconded by Selectman Watson. Motion Passed 3-0.

After some discussion, a new motion was made.

Selectman Watson made a motion to grant permission for Contoocook Valley ATV Riders to provide public ATV and UTV access starting on Longwoods Road at the Hillsborough Rail Trail onto Union Street for the term on 1 year from State Approval with the conditions that the access to the trail be provided from May 23rd thru November 4th from sunup to sundown. Seconded by Selectman Diers. Motion Passed 3-0.

The Board took a 5-minute break at this time.

Item 2: Consent Agenda Acceptance including Manifest for Payroll - June 7, 2023, June 7, 2023; Acct Payable -June 7, 2023, June 14, 2023

TA Flynn said he has gotten applications in for the Planning Board, Budget Advisory Committee and for Cemetery Trustee.

Selectman Watson made a motion to approve the items in the Consent Agenda. Seconded by Selectman Diers. Motion Passed 3-0.

NEW BUSINESS

Item 3: Board of Selectmen action on ATV Permission Request to use one thousand feet (1000’) of town owned road.

See previous minutes directly after Public Hearing.

OLD BUSINESS

Item 4: Update re: Codman Road Permit Application and Road issues

TA Flynn said he went to the site and learned a lot about the situation as well as talked to the Town Building Inspector who does not think his building permit should be revoked as long as the plan for the road is done and executed.

Chair Smith asked if Mr. Super has committed to putting the culvert in?

TA Flynn said he is committed to the plan he submitted.

Chair Smith suggested that he either put the berm back or install the culvert within a month so that the neighbor's driveway does not get washed out.

Selectman Watson suggested added wording that the road condition must be approved by the Road Agent.

The abutter said the culvert only won't protect our driveway, the whole plan needs to happen.

Selectman Diers said there needs to be a time limit on the entire project and there is a plan that the Road Agent already approves of.

Deputy Chief Murdough asked who does the maintenance on the culvert.

Chair Smith said the Town cannot do anything on a Class VI Road.

TA Flynn said it will be Mr. Super's responsibility.

Selectman Diers suggested a time limit of 45 days.

The Board continued to discuss how long the time limit should be and what should be done.

The abutter asked what happens if there is a washout before it has been fixed?

Selectman Watson said we should ask him to restore it to the previous condition in a certain timeframe.

Selectman Diers said 2 weeks or 10 business days from the date of notice would be sufficient for putting the berm back.

Selectman Watson made a motion to send a letter to Mr. Super for re-installation of the berm in place in 10 business days from the date of notification until the culvert plan is complete to the satisfaction of the Road Agent. Seconded by Chair Smith. Motion Passed 3-0.

Item 5: Review and adopt minutes of June 1, Public and Non-Public & June 6, 2023, Public and Non-Public (Special Meeting)

Chair Smith said in the June 1st minutes there was a typo, "tailer" should be "trailer" and for the Non-Public minutes #2 she would like to change the name to "Petitioner" and unseal the minutes.

Chair Smith made a motion to approve the June 1, 2023 public minutes as amended, June 1, 2023 Non-Public Session #1 as presented and June 1, 2023 Non-Public Session #2 as amended and to unseal them. Seconded by Selectman Watson. Motion Passed 3-0.

Selectman Diers said in the June 6th minutes there was a typo, “mole” should be “mold”.

Chair Smith said she would like to suggest unsealing the Non-Public minutes #2.

Chair Smith made a motion to approve the June 6, 2023 public minutes as amended, June 6, 2023 Non-Public Session #1 as presented and June 6, 2023 Non-Public Session #2 as presented and to unseal them. Seconded by Selectman Watson. Motion Passed 3-0.

Item 6: Discussion re: Fire/EMS Chief position

TA Flynn said there has been good response for the position and have received 5 applications. Communication with Acting Chief Connor has been great and the department had their first meeting in many months where 75% attended and it was positive. Acting Chief Connor secured a fire official to be on the hiring committee. He also credited Deputy Chief Murdough and Captain Rousseau for doing a great job during this time.

Item 7: Update re: ARPA Fund allocation

TA Flynn gave an update that Streaming has been ordered and because he was busy with the start of the Town Audit everything else will be worked on next week.

Chair Smith asked to have quotes for the next meeting.

TA Flynn answered yes.

Chair Smith said the Highway Department needs a computer.

TA Flynn said he would have one ordered next week.

OTHER BUSINESS

Item 8: Town Administrators Report and Department Reports

1. Ordered Streaming from Vendor
2. Finalized Amended Bank Debit Card Policy – Card received and used already
3. Placed Part-Time Fire Chief ad in Messenger and other publications
4. Checking with Cemetery Trustees re: their own banking account
5. Assisted the Auditors in preparing the 2022 Audit
6. Preparing Probationary Review of Meagen Kerris (Finance Coordinator)
7. Discussed employment status with Chief Mark Philibert

Item 9: Selectmen’s Reports

Selectman Diers said he is excited to see the Highway Report return and asked if there could be an addition of future projects included each month as well.

Selectman Watson said the Conservation Commission had a meeting and the Gregg Hill Project is progressing with the entrance now having signage, eventually there will be a couple of new teak benches and by the summer of 2024 the trees should be cut and everything in place.

Selectman Diers said the Planning Board met but did not have a quorum. He said a couple of residents have come forward and applied for vacant positions on the Planning Board.

Chair Smith asked if the Highway Road Bids have gone out?

TA Flynn answered no.

Chair Smith asked TA Flynn to follow-up on the following:

- Highway Road Bids
- Blanket bids for sand, salt etc.
- Quotes for the Highway doors
- Quotes for the Fire Department garage doors
- Town Hall painting bids

A discussion ensued regarding the previous painting of Town Hall.

Chair Smith asked TA Flynn if he had the charge for the Solar Array Committee completed?

TA Flynn answered there is a mission statement.

Chair Smith asked to have a charge by the next regular meeting.

Chair Smith announced that Town Hall would be closed Monday, June 19th in observance of Juneteenth and there would be a Zoning Board of Adjustment meeting on June 21st. She also stated there will be a Junior Zoo Keepers program on June 24th at Town Hall put on by the Library.

Chair Smith listed the following current vacancies on the Boards and Committees:

Planning Board: 1 full member and 2 alternates

Zoning Board of Adjustment: 1 full member and 4+ alternates

Conservation Commission: 1 full member and 1 alternate

Budget Advisory Committee: 1 full member

Patriotic Committee: 1 alternate

TA Flynn said Lillian Cater has asked to put flowers in pots around Town Hall. The consensus of the Board was to allow her to do this.

TA Flynn said he has been asked by the Church about turning the power one for their events.

Selectman Watson said Road Agent Brian Houghton typically takes care of that.

Selectman Diers asked if it was common for a Town Administrator to attend all other meetings such as Planning Board, Zoning Board etc.

TA Flynn answered he attends only if there is a reason or interest in any decisions being made and he does not regular attend all of the meetings.

Item 10: If Needed-Non-Public per RSA 91-A:3, II, (a).

Chair Smith made a motion to go into Non-Public Session at 8:55pm per RSA 91 A-3, II, (a) employee. Seconded by Selectman Watson.

Vote by Roll Call: Chair Smith – yes, Selectman Watson – yes and Selectman Diers – yes.

The Select Board came out of Non-Public Session at 9:01pm.

Chair Smith made a motion to increase the rate for the 3 Fire Department Officers from \$2 more per hour to \$4 more per hour. Seconded by Selectmen Watson.

Chair Smith explained that the math was configured incorrectly and the Board decided to increase it.

Motion Passed 3-0.

Chair Smith made a motion to adjourn the meeting at 9:05pm. Seconded by Selectman Watson. Motion passed 3-0.

Respectfully Submitted,

Wendy Baker

Wendy Baker
Recording Secretary