

**TOWN OF WALPOLE
MEETING OF THE SELECTBOARD
DECEMBER 10, 2020**

Selectboard Present: Peggy Pschirrer (Chair); Steven Dalessio; (Absent: Cheryl Mayberry)

CALL TO ORDER: Mrs. Pschirrer called this meeting of the Selectboard to order at 6:30 PM in the Walpole Town Hall. She introduced Mr. Steven Dalessio, a Selectboard member. Ms. Cheryl Mayberry, a Selectboard member, will not be attending this meeting as she is not feeling well. Mrs. Sarah Downing, Manager of Administration, and Mrs. Regina Borden, Recording Secretary, are also in attendance. This meeting is being recorded.

Mrs. Pschirrer announced that everybody was asked to sign-in. There were 35 sign-in attendees. A copy of this roster is attached to these minutes for the record.

Because of the importance of this issue, it will be the first item on this week's agenda. We are here tonight to discuss the rules and regulations of ATV/Off Road vehicles. The Selectboard invited Officer Jonathan DeLisle, who has been with the NH Fish and Game for almost ten (10) years. The concerns began last spring when people in the community were aware of property damage on private property. Off road vehicles were sold out all over Connecticut, Vermont and New Hampshire. People are not following the rules and regulations. Everyone will have a chance to speak. Officer DeLisle will try to answer as many questions as people might have. We have a new flat screen display where the RSAs are being projected.

Officer DeLisle reported that COVID-19 brought a lot of new stuff to this area and the State. A recent stop he made on November 8th is probably instrumental in having this meeting. The reason the stop was made on an ATV was because the operator was endangering a child passenger and that is a criminal offense. The ATV had what is called a special commercial plate; it goes through the Department of Motor Vehicles (DMV). They have to have certain requirements to get these plates. A special commercial plate is for farming, agricultural, maple sugaring, cutting wood, and industrial use. It is not for recreational use. This operator and passenger were basically joy riding on a road in Walpole with a special commercial plate. Rather than issue a ticket, he made a decision to treat it as a learning experience for them and to educate them on the rules and regulations of what the special commercial plate is for so they would be able to use it properly.

The laws are created by the State and he has to enforce them like any State Trooper or Town Police officer. For 9, almost 10 years, he has only had issues with people damaging private property and/or operating where they should not be. Fish and Game covers 20 towns. When you get a special commercial plate through your Town, you get a sheet that has to be signed for with the "UTV Requirements for Special Commercial (Spec Comm) Plates/Road Use". When it is being abused, it hurts the people who are using them properly. He does not control license plates. These machines are allowed to be operated on the roads like any other vehicle. The requirements for the equipment are for their safety as many people are not looking for them to be on the roads. That is why lights, reflectors, etc. are required. They are not used for recreation but rather transportation purposes. Under RSA 215, it describes OHRV use for recreational purposes. How he enforces this is with discretion. There are usually factors, circumstances; there is a reason. He takes all that into perspective in how he enforces that rule. It is not always "black-and-white".

He quite often gets questioned as to why one cannot ride ATVs all over like they do up north. Up north some towns and cities have ordinances and have voted to allow ATVs on either all their roads or some of

their roads. In some towns the Selectboard can authorize the opening up of certain roads. Up north anyone can come in from all parts of the country/world, unload their machines and they can ride on those roads. Those towns also have more ATV Clubs that get permission from private land owners. It is similar to our local snowmobile clubs who work very hard to get permission to use private properties for snowmobile trails. Up north the towns and cities are not the only ones doing enforcement, they are working with the Fish and Game, Sheriff's Department and Border Patrol. These agencies are equipped with machines for patrols, they are trained for enforcement, court documents, etc. They are having an influx of people seven days a week. People are bringing in their machines or renting machines and riding. The question of the rail trails came up. They are closed to motorized vehicles but they are open in the winter for snowmobiles. The State and/or Snowmobile Clubs might use motorized vehicles to repair the trails, etc. You can walk, hike, and ride a bike. You can ride an electric bike on a rail trail unless it is 750 watts or more.

Officer DeLisle opened up the discussion for questions / comments from those in attendance.

Mr. Tom Dupell lives on County Road. He asked if they have a properly registered ATV, are they allowed to ride on Class VI roads in Walpole. Officer DeLisle responded that if they are properly registered, they cannot ride on any public right-of-way and Class VI roads. The difference is recreational use vs transportation use. Mr. Dupell said they can ride on the Class VI roads in Walpole with a registered truck or Jeep but they cannot ride on them with an ATV. Officer DeLisle asked if he knew of anybody who got a ticket for this. Mr. Dupell said "no". With proper registration can they ride on that road and the answer was "no" not in the Town of Walpole. Officer DeLisle said you cannot ride for recreational purposes. Mr. Dupell said if they have an off-road sticker on an ATV they cannot ride on a Class VI road. Officer DeLisle said it depends on whether he is using it for recreational or transportation use. Mr. Dupell said he can go over to Derry Hill Road and ride all over the place with his truck or Jeep. He can ride on Class VI roads in Walpole but not with an ATV. Mr. Dupell said the Town would have to make an exception for this. Officer DeLisle noted if one wants to ride recreationally, one has to go to an area that is approved. Derry Hill is a Class VI road. Officer DeLisle is not aware of anyone getting a ticket for riding an ATV on that road as there are landowners who need ATVs for transportation to and on their property. The State laws state they cannot operate on a public right-of-way so he has to use his discretion. They cannot operate an ATV for recreational purposes. Mr. Dupell said they can work with the Selectboard to put an ordinance in place. Officer DeLisle said that would open it up to the entire country/world. He is not aware of anyone getting a ticket for riding on a Class VI road.

Mr. Dalessio questioned if Mr. Dupell owns a piece of property on Derry Hill. If so, he could drive up to his property in a legal way. Officer DeLisle said "of course". Mr. Dalessio said by not being a landowner, it becomes recreational. Mr. Dupell asked if he can have two registrations. Officer DeLisle said he could. Visiting his friend would be recreational. The only way to have recreational use on a Town road would be for the Selectboard to vote to open it to everybody. It would put all enforcement solely on the Town and not NH Fish and Game.

Mr. Gary Speed lives on Maple Grove Road. He is also on the Conservation Commission. This off road usage has been an issue for years. There is a group from out-of-towners that goes over all these roads and they go up to High Blue. It is not illegal. Mrs. Pschirrer advised they could present a warrant article by petition at Town Meeting. RSA 215-A:6 includes a statement as follows: "IX. Pursuant to RSA 215:A:15, city or town councils and board of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs." This would require a Public Hearing following a 14 day notice. This is an alternative to an ordinance or going to Town

Meeting. It would be a majority vote by ballot. They would have to talk about the implications as this would include the work load of the Walpole Police Department.

Mrs. Jan Galloway-Leclerc asked if the Town should decide to permit ATVs, it would be for anybody from anywhere? Officer DeLisle said it would open it up to everybody. It could be all Class VI roads or certain Class VI roads or portions of some Class VI roads. Mrs. Galloway-Leclerc stated it could be a problem for property owners. Mrs. Pschirrer noted the RSA are clear the use of the roads could not be limited to local residents.

Mrs. Kara Dexter advised that we are not limiting people from coming into Town using these roads. It would not change anything. Officer DeLisle said they are allowed to use the public-way. With her motorcycle she can ride on any public-way. Mrs. Dexter has a motorcycle with plates and a permit. It is important to keep these class VI roads open. She picks up a lot of trash town-wide. When she goes into the woods on her motorcycle and finds trash, she does not have the proper vehicle to pick it all up. She has friends with trucks and ATVs who can go in there and pick up the trash. It is important to keep these roads open.

Todd Patch lives on the Upper Walpole Valley Road. He snowplows his own area plus a neighbors' driveway, but he has to go on the road to get there. Officer DeLisle replied that Mr. Patch is not using it recreationally or as part of a business; that is something he would not address.

Responding to a question Officer DeLisle said the Selectboard can open any roads or sections of roads not only Class VI roads. Mrs. Pschirrer pointed out that if they are interested in a change they should get together as a group and organize so they can come back and present something concrete that they would like to see happen. The Selectboard can do all the publicity and call the public meeting. If they come up with something, as a group, that they want, they will need to persuade the whole Town who will have the opportunity to vote. They need to be willing to take on and defend the ordinance because it will increase the Town's expenses. The Selectboard will leave the next step to the people.

Mrs. Pschirrer noted that farm vehicles have great latitude in where they go. However, we are not talking about those vehicles but rather the 4-wheel drive vehicles that go wherever they please. Some are destructive. In the north-country they opened up the roads to survive. Officer DeLisle said the majority of people in this area are respectful of other people's properties. They have to use their plates in compliance with the State's rules and regulations. While people stay on the rights-of-way that is acceptable but once they leave and go onto private property and do damage that is something Officer DeLisle takes very seriously.

Mrs. Pschirrer and Mr. Dalessio thanked Officer DeLisle for attending. They also thanked all the people present for coming into this meeting.

ACCOUNTS PAYABLE:

Mr. Dalessio moved to accept the Accounts Payable Check Register in the total amount of \$60,424.22 for checks issued December 11, 2020. This includes a \$24,214.89 payment to the NH Retirement System. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

PAYROLL:

Mr. Dalessio moved to accept the Payroll Check Register for the week ending December 5, 2020, in the amount of \$28,607.82 for checks dated December 11, 2020, and for the 941 Payroll Tax Transfer in the amount of \$5,510.47. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

SELECTBOARD MEETING MINUTES:

SELECTBOARD MINUTES – December 3, 2020: Mr. Dalessio moved to accept the Minutes of the Selectboard meeting of December 3, 2020, as submitted. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the Minutes were approved.

NON-PUBLIC SELECTBOARD SESSION – December 3, 2020: Mr. Dalessio moved to accept the Minutes of the Non-Public Selectboard session of December 3, 2020, as submitted. These Minutes will remain sealed. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the Minutes were approved.

COMMITTEE REPORTS:

The Selectboard acknowledged receipt of the following committee reports:

- Walpole Fire District Meeting – October 14, 2020;
- Walpole Fire District Meeting – November 11, 2020.

WARRANTS:

WALPOLE WATER TAX LIEN: Mr. Dalessio moved to accept the Warrant for the Walpole Water Tax Lien in the amount of \$1,534.89. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

WALPOLE SEWER TAX LIEN: Mr. Dalessio moved to accept the Warrant for the Walpole Sewer Tax Lien in the amount of \$3,804.44. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

NORTH WALPOLE SEWER TAX LIEN: Mr. Dalessio moved to accept the Warrant for the North Walpole Sewer Tax Lien in the amount of \$15,830.45. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

PROPERTY TAX REFUNDS:

MAP and LOT #021-014-000: Mr. Dalessio moved to grant the Property Tax Refund in the amount of \$5,146.00 for the owner(s) of Map and Lot #021-014-000. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

MAP and LOT #024-015-000: Mr. Dalessio moved to grant the Property Tax Refund in the amount of \$300.90 for the owner(s) of Map and Lot #024-015-000. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

MAP and LOT #010-024-000: Mr. Dalessio moved to grant the Property Tax Refund in the amount of \$2,497.03 for the owner(s) of Map and Lot #010-024-000. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

SOLAR ENERGY EXEMPTION:

MAP and LOT #007-024-000: Mr. Dalessio moved to grant the Solar Energy Exemption in the amount of \$13,200.00 for the new property owner. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

NOTICE OF INTENT TO CUT WOOD OR TIMBER:

MAP and LOT #009-006-000: Mr. Dalessio moved to approve the Notice of Intent to Cut Wood or Timber for Map and Lot #009-006-000 located off of Maple Grove Road. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

MAP and LOT #009-008-000: Mr. Dalessio moved to approve the Notice of Intent to Cut Wood or Timber for Map and Lot #009-008-000 located off of Maple Grove Road. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

MAP and LOT #009-029-003 with #009-030-000: Mr. Dalessio moved to approve the Notice of Intent to Cut Wood or Timber for Map and Lots #009-029-003 and #009-030-000 (two small lots) located off of French Road (Class VI). Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

OLD BUSINESS:

Travel Policy for Employees: There was a consensus of the Selectboard to put the Travel Policy for Employees “on-hold” until the next meeting.

Sewer Bond and Usage Fees: Mr. Dalessio spoke with Mr. Mark Houghton and they decided to leave the sewer user rates the same but to modify the bond rate based on usage. This will be effective with the first quarter bills generated in April 2021.

Pending Further Actions:

Town Street Lights, Tax Deeded Property Sale, Houghton Brook Bridge Repair and Reservoir Dam Repairs will remain on future agendas pending further action.

NEW BUSINESS:

Cemetery Deed D582: Mr. Dalessio moved to approve the Cemetery Deed for Lot #D582. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

Cemetery Deed D593: Mr. Dalessio moved to approve the Cemetery Deed for Lot #D593. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

Emergency Generators: Mr. Justin Cassarino would like to discuss getting an emergency generator as the Walpole Elementary School has been listed as an approved shelter in the Walpole Emergency Plan. Mr. Dalessio suggested Mrs. Downing contact Ms. Liz Gilboy of NH Homeland Security as she had mentioned that federal monies were available for this. He also recommended that after the first of the year they should get Mr. Mark Houghton involved. Mrs. Pschirrer will email Mr. Cassarino to let him know they will contact Ms. Gilboy.

December Staff Meeting: The Selectboard agreed to cancel the Thursday, December 17th, 2020, Staff Meeting. The department managers have been working on their 2021 proposed budgets and will be meeting individually with the Selectboard tomorrow.

NON-PUBLIC SELECTBOARD SESSION:

Mr. Dalessio moved to enter into a Non-Public Selectboard Session pursuant to RSA 91-A:3 II to discuss (a) Personnel. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. On a roll call vote with Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved at 7:41 PM.

The regular Selectboard meeting resumed at 8:03 PM.

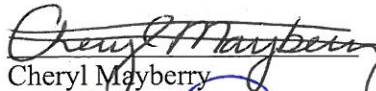
Mr. Dalessio moved that the Minutes of the Non-Public Selectboard Session of the December 10, 2020, meeting will be sealed. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the motion was approved.

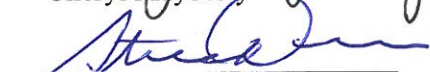
ADJOURNMENT:

Mr. Dalessio moved to adjourn this Selectboard meeting. Seconded by Mrs. Pschirrer. Mrs. Pschirrer asked if there were any questions or comments. There were none. With Mr. Dalessio and Mrs. Pschirrer in favor, the meeting was adjourned at 8:05 PM.

Respectfully submitted,
Regina Borden, Recording Secretary


Peggy L. Pschirrer, Chair


Cheryl Mayberry


Steven Dalessio

(Note: These are unapproved Minutes. Corrections will be found in the Minutes of the December 17, 2020, Selectboard meeting.)