

Town of Bartlett Office of Selectmen

Meeting Minutes: January 8, 2010

Attendance: Chairman Gene Chandler, Douglas Garland, Jon Tanguay

Reporters: None

Meeting opened at 08:30 AM.

Michael Weeks, District Supervisor-Bureau of Trails-DRED, David Ainsworth, White Mountain Trail Club, Peter Gagne, Northern Extremes, Gagne's attorney Peter Malia and Steven and Kimberly Ryan, Bear Notch Deli met with the Selectmen in reference to the Selectmen closing the Albany Avenue snowmobile corridor until a public meeting could be held. Selectman Garland had received a letter from Gagne regarding Bear Notch Ski Touring crossing the property and stepped down from the meeting. Chairman Chandler apologized to the Ryan's that he had made out the list of who should receive letters about the closure and he thought he had put them on the list, but when checking further discovered he had not. S. Ryan stated that he was shocked to hear that the Selectmen had arbitrarily closed the trail without a discussion. Chairman Chandler stated that in our previous discussions with Gagne that he had been told that the Selectmen's position was to have a public meeting. S. Ryan inquired why it was closed at this point and time. Chairman Chandler explained that it was different circumstances now as the use had been intensified. Gagne stated that he was the reason it was closed. Chairman Chandler reminded Gagne that the Selectmen have let him operate his business and he has no permit to do so as he has not met the conditions that the Zoning Board of Adjustment issued. Gagne stated that he called the Bureau of Trails and they claimed the trail was open and they had no contact from the Selectmen. He had 12 people on Sunday and 6 on Monday that used the corridor. They parked their snow machines and either walked to Bart's Deli or he shuttled them there. Atty. Malia inquired as to what Zoning Board of Adjustment conditions weren't being followed. Chairman Chandler stated that there were a few but the primary ones were that Gagne must be the owner of the property and that he have Town and State permission for the crossing. S. Ryan stated you just arbitrarily took the trail away. Atty. Malia stated that the people who come to the meeting would have more information if the trail was kept open till the meeting so they could see what type of use the trail gets. D. Ainsworth read RSA 215-A: 6 title 9. Pursuant to RSA 215-A: 15 city or town councils and boards of selectmen may authorize the use of sidewalks and class IV,

class V or class VI highways and bridges, or portions thereof, for use of OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II (e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class IV highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. Chairman Chandler stated that the sidewalk wasn't being used, that the road was. Chairman Chandler informed them that he had telephoned the Department of Transportation (DOT) for clarification as Albany Avenue is a State road, however, the town plows it so not sure who can or can't grant permit. Any approval that the Town had given was for sidewalks not roads. Ainsworth inquired if they could groom the sidewalks. K. Ryan remarked that Fred Hodgkin's blocks off the sidewalk in front of his house and had cameras set up last year. Chairman Chandler reminded everyone that we were not hurting Gagnes business as trailering is still allowed. Gagne stated that people come to him for gas and he has an agreement with Bart's Deli to shuttle people to them for food/beverage. Selectman Tanguay inquired if any residents were represented and shouldn't they be heard as well. Ainsworth stated that the economy sucks and they need to promote tourism, but the closing of the trail says we don't want you. Chairman Chandler stated that there is still the question on the crossing and DOT may say okay but he feels that DOT does need to look at the new uses of the property. Chairman Chandler would like to have the residents input whether they want the trail or not. The first permit was for 60 days but continued on for years. S. Ryan wants it put back the way it was. Chairman Chandler stated that the Selectmen will review the RSA that Ainsworth quoted. Chairman Chandler also mentioned that he may check with the town's attorney to see if Selectman Garland should or shouldn't have stepped down. S. Ryan stated that it was just ridiculously stopped. Gagne inquired if the paper work was filed and if DOT lets them use Albany Avenue then they wouldn't have to have a meeting. Gagne stated that the ZBA decision was 11/19/09 so why did they wait so long. Chairman Chandler explained that they were waiting for Gagne to get his approval. Gagne commented that it was an illegal provision. Chairman Chandler replied that it was the decision of the ZBA

and we have to go by their conditions. Atty. Malia remarked that the Town made the decision in 1996 and now they are changing their minds. Chairman Chandler stated the decision was for sidewalks not the road. Gagne stated then you aren’t willing to reopen the trail. Chairman Chandler replied not at this time. Gagne inquired as to when the hearing would be. Chairman Chandler stated as soon as possible but we do have to have time to post, publicize the meeting, etc. S. Ryan stated that they acted irresponsible and that Selectman Garland has had an ongoing battle with X-country skiers and snow machines for years and the letter was illegal and he doesn’t think it is right. Selectman Tanguay remarked that they have gotten 13 years for a 60 day permit. (Mark Dryjas of Wills Inn appeared at the meeting at 09:45 AM). Dryjas stated that he has a vested interest in this as he purchased the groomer and he wanted to know if a lawsuit was filed would the town be covered with municipal insurance. He has filed law suits which costs lots of money and time and in the meantime can’t run the business. Chairman Chandler stated that he has never made or never will make a decision with the threat of a lawsuit. Dryjas stated that this affects more than three businesses and is a real catastrophe and they should use some common sense. Chairman Chandler pointed out that Gagne doesn’t have a permit. Dryjas remarked that the groomer is his concern. Chairman Chandler also reminded him that DOT hasn’t given permission for the road crossing. K. Ryan stated we are being penalized for Peter. Selectman Tanguay stated that we would have a public meeting and questioned if Ryan was building the store next month. S. Ryan stated it didn’t matter if he was or not. Dryjas stated that there is a short period of time to make money and it would be more practical to use common sense and continue to run the business until the hearing. S. Ryan stated you aren’t going to do anything today. Atty. Malia informed Ryan he would request a copy of the minutes. S. Ryan stated he has all he needs for his attorney. Ainsworth stated that this is new to him and has been a great experience and he wanted to thank everyone.

Selectman Garland returned to the meeting.

Annette Libby, Bartlett Recreation Director, met with the Selectmen to discuss increasing her assistant’s hours from 20 to 30 hours per week. Libby explained that the department is growing, doing more, have added events, doing the books and she is spending too much time at home on weekends. She would like to free up some of her time by giving the assistant more

secretary duties and data entry work. Selectman Garland inquired if she was asking the town to fund the position. Libby replied "yes". Libby explained that the assistant works for 38 weeks and can do the summer program if she wants to but that is paid for out of the recreation department money. Selectman Garland stated that they will let Libby know and thanked her for letting us know what she wants to do. Chairman Chandler inquired about the ice skating rink. Libby stated that she had to add six inches of water to it after some people damaged the ice and that is as far as she can go for now. It is in good shape right now.

Selectman Garland stepped down from the meeting while Selectmen Tanguay and Chandler discussed the Albany Avenue corridor. It was decided to rescind the closure until the public hearing which will be held on January 21, 2010 at 07:00 PM at the Josiah Bartlett School. Mr. Gagne is to trailer his machines until he can come into compliance with the ZBA conditions and has passed the commercial building inspection done by Bergeron Technical Services. He will be operating at his own risk. Letters were sent to those concerned.

The Selectmen reviewed correspondence, building permits, signed letters and checks prior to and throughout the meeting.

Meeting adjourned at 11:30 AM.

Respectfully submitted,

Brenda Medeiros, Sec.