

I. CALL TO ORDER at 6:30 pm in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Roger Barham and Neal Janvrin; Town Administrator Heidi Carlson; and Rita Mudawar and her family. All rose for the Pledge of Allegiance.

At 6:30 pm Selectmen began by welcoming Rita Mudawar and her children to the table. Mudawar came to meet the Board and express her interest in the vacant Parks & Recreation position. She said that they moved to Fremont about a year ago from Wisconsin, and that both she and her husband had grown up in Massachusetts. She wanted to get involved in the community, attended the last Parks & Recreation meeting and would like to join. Janvrin moved to appoint Rita Vining Mudawar to a three year term on the Parks & Recreation Commission, expiring March 2019. Barham seconded and the vote was unanimously approved. She was thanked for her interest and she left the meeting at approximately 6:40 pm.

Chairman Cordes then read through the announcements:

II. ANNOUNCEMENTS

1. This meeting is live broadcast on Channel 22 and will be rebroadcast throughout the week ahead.
2. The Spring Bulky Day will be held this Saturday May 7, 2016 from 8:00 am to 12 noon. Gates will open promptly at 8:00 am, Fremont residents only.
3. Exeter Hospital will host its bi-annual sharps collection on Saturday May 14, 2016 from 8:00 am to 12 noon on the Hospital Campus at 3 Alumni Drive. In Fremont on the same day will be the Town Wide Yard Sale at various homes throughout town, and the Garden Club Plant Sale and Library Book Sale to be held at the Fremont Public Library from 9:00 am to 2:00 pm.
4. The Annual Memorial Day Parade and Services will be held on Sunday May 29, 2016. Anyone interested in participating should contact Jeanne Nygren in the Selectmen's Office as soon as possible. All Veterans are welcomed and anyone needing a ride should contact Jeanne in advance so that enough vehicles are available for any Veteran who is unable to march.
5. Ellis School Field Day will be held at the Town's ballfields on Friday June 10, 2016 (Raindate Monday June 13, 2016) and the fields will be closed for the day while events are held.
6. There are currently openings for a cleaning position at Town Buildings, as well as maintenance and lawn care. Any interested persons should check the website for postings or contact Heidi Carlson in the Selectmen's Office.
7. The Town has advertised for sale by sealed bid a 2000 Sweepster Tow-Behind power broom. The ad can be seen on the Town's website and more information or an appointment to view it can be made by contacting the Road Agent.
8. Effective June 20th for the summer, the Town Clerk's Office will be closed on Mondays.
9. The last day to change your party affiliation is May 31, 2016. That night the Supervisors meet at 7:00 pm at the Fremont Public Library. You can also change your party at any time prior to the deadline with the Town Clerk during normal office hours. This is an important deadline for anyone who declared for the February 2016 Presidential Primary and did not return to undeclared, as in the upcoming NH Primary in September, you will be given whatever ballot for the party you are declared on the checklist at that time.

III. LIAISON REPORTS

05/04/2016 Planning Board – Barham reported that the Galloway Site Plan application was continued to the June 1, 2016 meeting at the applicant’s request. John Merrill came in relative to his excavation operation at 107 Beede Hill Road. This is currently subject to former court decisions, and the current owner wants to do some blasting, which is not allowed by the court order. The Planning Board is going to go back to a prior Town Counsel opinion on this matter relative to a similar request some years ago, to consult it for guidance. Lastly a surveyor came forward from the Town of Chester relative to a subdivision there, which did not affect land in Fremont.

IV. APPROVAL OF MINUTES

Janvrin moved to approve the minutes of 28 April 2016. Barham seconded and the vote was unanimously approved 3-0.

V. SCHEDULED AGENDA ITEMS

6:45 pm Public Input - none

7:00 pm Department Heads - none

VI. OLD BUSINESS

Barham had completed a document related to some recommendations on the Shirkin Road issue which was discussed last week. He had done additional research, presented in a separate paper with some photographs. The narrative follows:

SHIRKIN CLASS IV ROAD AREA

1. GEOGRAPHY

1.1. Class VI Road Networks:

In 1935 the Town of Fremont voted to reclassify the following roads to Class VI subject to Gates and Bars:

<i>#</i>	<i>Location</i>	<i>Linear Feet</i>
<i>1</i>	<i>Shirkin Road</i>	<i>7,830</i>
<i>2</i>	<i>Squire Road</i>	<i>3,950</i>
<i>3</i>	<i>Loon Way</i>	<i>2,570</i>
<i>3</i>	<i>Paradise Drive</i>	<i>3,250</i>
		<i>17,600</i>

Based on information available to date the extent of the class VI is detailed on the attached plan “Class VI Network”.

1.2. Access Points:

The Shirkin Road Area has (4) entry points; two in Fremont and two in Raymond:

1.2.1. Shirkin Road (F)

This is the primary access point off Beede Hill Road where Seacoast Farms is located.

1.2.2. Squire Road (F)

This is a secondary access point further south off Beede Hill Road. The abutting properties are residential.

1.2.3. Loon Way (R)

Based on the Raymond Assessing data, the Class VI road is named Old Shirkin Road commencing at Prescott Road immediately north of the Transfer Station parcel (see Old Shirkin Road plan) and extending approximately 1,500' to the town line. Along the Raymond segment there are two additional access pints at Joyce Drive and Cammett Drive.

The property owner (parcel 22, Prescott Road) has blocked off the Raymond side entrance.

1.2.4. Paradise Drive (R)

Paradise Drive in Raymond is a Class V road and terminates at the town line where it transitions to Class VI and continues as Paradise Drive in Fremont.

This is an active access point and abutters (Fremont residents) have clearly posted their property.

2. LAND OWNER ISSUES

There are a number of issues facing the Town and abutting landowners which are summarized below:

2.1. ROW Access

The Class VI network of roads which totals 3.3 miles are not maintained by the Town (by statute) but are accessible by the public. The area is a recreational spot for 4x4 enthusiasts and ATV users and over the years the road network has deteriorated and become more increasingly impassable.

The deterioration of the roads make it more difficult for land owners access their parcels and impedes emergency service access.

2.2. Trespassing

There are approaching 50 abutting and land locked parcels in this area and many of the land owners have experienced trespassing to some degree. Access to land owners parcels is a combination of the Class VI road network and from other parcels located in Raymond and Epping.

The acts of trespassing are having serious consequences to abutting land owners:

2.2.1. Damage to Terrain

Damage is being created primarily by two main types of vehicles:

- *Highway Rated 4x4 Vehicles such as Trucks & SUVs*
- *Off Highway Vehicles (OHVs) such as ROVs, ATVs and Dirt Bikes*

Highway vehicles are entering the area via Class VI road and then deviating onto private land.

OHVs are either being transported in truck beds or trailers into the area via Class VI road, unloaded and then travelling throughout the illegal network of trails, or entering the illegal trail network from abutting towns.

2.2.2. Dumping

Dumping in the area is a serious issue. The Class VI roads give access to people to purposely dump large items on the side of the roads, or on adjacent abutter parcels. Also, there is the dumping of trash associated with trespassing activities.

2.2.3. Shooting

Abutting parcels, in particular parcels 26 & 34 are being used for recreational pistol, rifle and shotgun shooting activities. In addition to destroying TVs, toilets and propane tanks, some participants have little regard for public safety and have sent rounds close to neighboring land owners. Noise is an ongoing issue.

2.2.4. Camp Fires

Illegal camp fires are prevalent throughout the area indicating that trespassing is a 24 hour problem.

2.2.5. Alcohol & Drug Abuse

The area is strewn with empty beer bottles and hypodermic needles, particularly at camp fire sites.

3. ENFORCEMENT

Local law enforcement, including Fremont PD and Fish & Game, are aware of the land owner issues and respond to calls from abutting land owners.

Law enforcement response to where trespassing activities is mixed and dependent on a number of factors including accessibility (terrain and vehicle), location and season. On occasions access has been slow or impossible.

4. RECOMMENDATIONS

The following recommendations are proposed for both the Town and abutting land owners to work together to implement.

4.1. Maintain Class VI Road Status

The 3.3 mile network of Class VI roads are currently defined as public ROWs not maintained by the Town; specifically, the Town cannot prohibit public ROW nor can it maintain the road at tax payer expense.

It was suggested that the Town convert the Class IV road to either Class A or Class B trails as permitted by RSA 231-A:1. Although this allows the Town to restrict the type of access to the trail network, it also poses the same restrictions on abutting land owners and they lose the Public ROW status which is important for future development rights and access. For these reasons this course of action is not recommended.

In the best interest of the Town and abutting land owners it is recommended the Class VI status is maintained.

4.2. Emergency Status

It was suggested that the Town designate part or the whole of the Class VI road network as an "Emergency Access" as defined in RSA 231.59-a Emergency Lanes. Specifically the RSA states "A town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles."

Designating the 3.3 mile network of Class VI roads as "Emergency Access" will enable the Town to make segments passable and accessible as necessary to perform emergency duties including firefighting (forest fires) and law enforcement (combatting illegal trespassing activities). Road improvements need not be extensive but initially sufficient to enable access beyond Seacoast Farms to the Galloway/Hard Rock Development parcels where the majority of illegal activities are taking place. Future improvements may be considered if required.

In the best interest of the Town and abutting land owners it is recommended the BOS implement this RSA.

4.3. Posting

Although the RSAs state that OHV users are required to obtain land owner written permission to access property and law enforcement can act without posting, there are a wide range of undesirable activities that are taking place which it is understood that law enforcement are better equipped to act if land owners post their property.

Under state law (RSA 635:4), the legal manner of posting calls for posting durable signs with any words describing the physical activity prohibited, such as "No Hunting or Trespassing," in

letters at least 2 inches high, and with the owner's name and address. The signs may be no further than 100 yards apart on all sides of the property and shall also be posted at gates, bars and all commonly used entrances.

It is understood that many land owners are reluctant to post or have seen posted signs removed, nevertheless, it is believed that the current extent of trespassing and destruction of land requires a uniform and consistent approach to posting.

4.4. Enforcement

Fremont PD and NH Fish & Game are the primary enforcing authorities. Discussions need to take place as to what enforcement tools they have at their disposal, in particular, the impact of a uniform posting policy by abutters.

4.5. Other Measures

The following additional measures are recommended:

4.5.1. Speed Limit

Limit speed to 25 MPH and post at (4) Access Points. This emphasizes these roads are enforceable Public ROWs.

4.5.2. Gates

Install lockable gates at the (4) access points. Gates will normally be closed/unlocked. The Town should initiate a Mud Season ban on public access MAR – MAY during which time the gates will be locked and restricted to land owner access.

The gates should include major signs detailing the Class VI road network and restrictions on use and trespassing warning.

4.5.3. No Parking

The Town should implement a NO PARKING policy along the Class VI road network and allow through traffic only. This will limit the ability of users to use vehicles to transport OHVs for use on land owner parcels. If users go off road to park that act will be trespassing.

Barham said he was primarily on the Galloway (05-035) and Hard Rock (05-009) parcels and cited this area is a mess with a lot of debris. The fact that this is a Class VI road makes it an access point for 4WD vehicles. People are also driving in in trucks and trailers and then using OHRV's around various trails on private properties. People are using illegal trails to and from out of town and working their way in and out of Fremont as well.

He outlined the list of recommendations and stated that this is not just a Town problem but needs to work together with the abutters and will take a lot of coordination to work toward a solution. He said he believes we need to maintain a Class VI road status versus conversion to a Trail. He said that the Emergency Lane status would allow the Town to make emergency repairs to ensure fire and police access to get to the Galloway and Hard Rock properties which is where the majority of the issues take place.

There was further discussion about how to post the roadway and unpermitted activities, as well as working with landowners encouraging them to post their land.

The Board discussed implementation of **No Parking on Shirkin Road and No OHRV use**. The Police Department wants to work with landowners to also get updated landowner letters reiterating no OHRV use except by the Fremont Police Department and their agents.

Selectmen asked Carlson to set up a meeting with the Police Chief and NH Fish and Game to take the next steps. The Board also wants to be sure that the road issues involve the Town's Road Agent.

At some point shortly, time will be dedicated to meet with interested property owners.

2. Carlson took a photo of Board members to update the Town Website.
3. Carlson did some research and contacted the NHMA Legal Staff to confirm that Neal Janvrin could be a full Board member of the ZBA. The Board discussed an appointment for full Board membership, expiring in March 2018 (which is the same date of his current Alternate appointment). Barham moved to appoint Neal Janvrin to a two year open position as a full member of the Zoning Board of Adjustment. Cordes seconded and the vote was approved 2-0-1 with Janvrin abstaining.
4. Selectmen had reviewed the Assessing RFP for 2016, and comments were offered. Carlson is just waiting for the NH DRA's review before finalizing the RFP.
5. Chief Twiss had submitted two quotes relative to the Police Cruiser leases, for two and three year terms. There was discussion on pros and cons of each, and ultimately it was felt that the two year lease was too much above the amount of the default budget (almost \$30,000 payment); and that the three year lease of just over \$2,000 per year is within the budget parameters. Barham moved to authorize the Police Chief to move forward with a three years lease with a \$1 buyout at term end for the two new police interceptor cruisers. Janvrin seconded and the vote was unanimously approved 3-0.
6. Carlson advised the Board that all four of the Director/Assistant Director candidates had accepted the Town's conditional offers and were completing paperwork this week for the background check process.

VII. NEW BUSINESS

1. Selectmen reviewed the payroll manifest \$20,594.76 and accounts payable manifest \$19,713.73 for the current week dated 06 May 2016. Janvrin moved to approve the payroll manifest in the amount of \$20,594.76. Barham seconded and the vote was approved 3-0. Barham moved to approve the accounts payable manifest in the amount of \$19,713.73. Janvrin seconded and the vote was approved 3-0.
2. Carlson to report on the establishment of the Recreation Revolving Fund and transfer of the voted \$1,000 from the General Fund, Unreserved Fund Balance to open a new account. Additional the first deposit was made to the fund for income from the Town Wide Yard Sale Fundraiser.
3. Selectmen reviewed the folder of incoming correspondence. A review of the mail resulted in reviewing a letter from Bob Meade regarding updates on Bob Kelly's wish to increase the truck traffic at Seacoast Farms for about 6 weeks in the spring; and that the most recent Site Plan stated that all existing conditions apply at the site. Mr Kelly is meeting with the Planning Board in a couple of weeks regarding his desire for the spring trucking, as well as to review the conditions at his site which are currently in non-compliance.
4. Carlson explained a manifest for reissuance of lost check in the amount of \$27.70 (no new expense, just documentation of lost and reissued check). Janvrin moved to approve the manifest which voids and reissues a lost check with no new expense. Barham seconded and the vote was unanimously approved 3-0.
5. Selectmen reviewed a Veteran Credit ready for approval on parcel 02-156.001.023.002 owned by Richard Flanagan. With all in order, motion way made by Barham and seconded by Janvrin to approve the Veteran's Credit as listed. The vote was approved 3-0.
6. Selectmen reviewed and signed a Land Use Change Tax for parcel 03-015.001.060 for property at 10 Hoyt Way in the amount of \$2,142.85 in accordance with the Agreement in place for the Black Rock

Village Development. Motion was made by Barham and seconded by Janvrin to assess the LUCT. The vote was approved 3-0.

7. An email was received from the Town Clerk regarding a request from Peter LaRoche for use of the Town Forest with handicapped access. Carlson will get back to Mr LaRoche about his request.

8. Carlson updated the Board that the oil tank from the Town Hall has been installed at the Historic Museum.

VIII. WORKS IN PROGRESS

1. Currently the Town is in need of members interested in joining the Zoning Board of Adjustment as full Members or Alternate Members, and a Rockingham Planning Commission Metropolitan Planning Organization Transportation Advisory Committee member representative. Anyone interested could begin by contacting Heidi Carlson for more information or attend an upcoming meeting.

IX. NON-PUBLIC SESSION NH RSA 91-A

At 7:56 pm, with no further regular business to come before the Board, motion was made by Janvrin to enter non-public session pursuant to NH RSA 91-A:II (c) to discuss a personnel matter. Carlson left the meeting room at this time.

At 8:35 pm Janvrin made a motion to return to public session. The motion was seconded by Barham. Then motioned was approved 3-0.

The next regular Board meeting will be a work session, to be held on Thursday May 12, 2016 at 6:30 pm.

IX. ADJOURNMENT – by 9:00 pm

At 8:36 pm with no further business to come before the Board, motion was made by Barham and seconded by Janvrin to adjourn the meeting. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator