

**TOWN OF DEERFIELD
BOARD OF SELECTMEN**

May 3, 2021

MINUTES of PUBLIC HEARING – Ordinance; Skateboards, Roller Blades and Roller Skates

Call to Order

5:30 pm – Chairman Robertson called the meeting to order

Present: Andrew Robertson, Chairman; Richard Pitman, Vice Chairman, Fred McGarry, Alden Dill, and Cynthia McHugh, Selectmen.

Pledge of Allegiance to the Flag

Chairman Robertson asks all to rise and pledge allegiance to the Flag

Chairman Robertson: Our first order of business this evening is actually not the Board of Selectmen business meeting but is rather a public hearing on Deerfield's skateboard ordinance and before we get into taking public comment, I would point out for those listening at home, Deerfield instituted a skateboard ordinance that prevented skateboards, roller skates and roller blades from public ways back in the year 2000.

It's been in place and a lot of us didn't realize that we had a skateboard ordinance. I, in fact, didn't know that there was a skateboard ordinance until this was brought to our attention.

We received a letter from three young men in town that were interested in asking the Board of Selectmen to overturn the ordinance.

There is a \$10.00 fine associated with your second run in with law enforcement if you are illegally skateboarding on our roads.

No fines have been levied recently that I am aware of but they were anxious to be able to skateboard and not be in violation of the law.

There were also some inconsistencies in the ordinance as it's written. The ordinance directs people to please skateboard on the tennis court and basketball court and it has long since posted the basketball court and the tennis court as no skateboarding to protect the surface that we put on those courts.

So, at the very least, we have to correct that but the Board does not modify or turn over ordinances without a public hearing so, that is why we are here.

And, if we have members of the public that would like to speak to this, I could certainly recognize you at this point and also have the chief of police, Chief Duquette here with us this evening and I believe that he was interested in offering his thoughts on whether we should overturn the skateboard ordinance.

Okay, I'm not hearing a lot of clamor from the audience to talk about this. I would say that we received a letter from Devon Chaloux who feels the skateboard ordinance is outdated and urges us to modify it. Makes reference to the folks who wrote us the letter, the three young men.

We also received a letter from Joshua Freed who feels the ordinance is silly and reeks of ageism and I would say that I recall some of the selectmen that signed the ordinance and were above the age of the average skateboarder.

We received a letter from Susan Sykes saying that while skateboarding is a great activity, she doesn't think it should be encouraged on the streets of Deerfield primarily due to the number of people speeding and references various other groups.

Selectman Dill: I would point out dirt bikes can go up and down Cole Road legally anyway so I don't, we don't have an anti-dirt bike ordinance saying that they can't ride on public roads.

Chairman Robertson: She's, she ends her letter by saying bicycles, motorcycles, dirt bikes, horses and people walking their dogs on long leashes already clog the roads up and she thinks that we should keep skateboards off.

We have a letter from Kevin ~~Warner~~ Webber to voice support for eliminating the town's skateboard ordinance. There is little need or justification for the ordinance.

And, we have the original letter from the three young men, Sam Wong, Will Trevor and Max Kelly who initially contacted us in regard to overturning the skateboard ordinance.

Any public flagging the computer screen, John?

I guess there is no public comment. I don't know if you want to make some comments, Chief Duquette?

Chief Duquette: Sure.

Thank you. Good evening. I kind of wanted to set the record straight on a couple of things that I saw going around on the whole Facebook, comments to the thing.

I think it started because we responded to the young men skateboarding on Candia Road. It was the complaint we got from somebody. We didn't just happen along to see this kid.

So, when we get a complaint, we have to respond. We don't have the luxury of picking and choosing no matter how trivial it seemed.

Sergeant Hughes was the one that went over and had a nice conversation with him and he didn't even get out of his car.

When you look at Facebook, he gave the kid a written warning it said on there and all this other stuff which leads to "great job Deerfield PD, nothing better to do" and so forth and so on.

I just want to set the record straight that we did not give a written warning to the young kid. We won't give a written warning to an 8th grader for anything for that matter and, especially for something as trivial as skateboarding. Sgt. Hughes didn't even get out of his car.

So, those comments that came out of that were based on false information so I just wanted to set that straight and as far as the ordinance itself is concerned, I'm with you. I didn't know we had one either. Shame on me.

As far as whether we have one or whether we don't, I'm neutral on this whole thing. I haven't seen a skateboarder in town since I've been here.

Chairman Robertson: The roads are pretty lousy.

Chief Duquette: The roads are not good and believe it or not, skateboarding is not high on our list of priorities so the decision on whether you keep the ordinance in place or remove it, is entirely on the Board of Selectmen and we'll do our job and continue to respond to calls accordingly.

That's all I wanted to say.

Chairman Robertson: Thank you, chief.

I believe that we did have

Mr. Harrington: Is there someone who is calling in that would like to speak?

Chairman Robertson: Great, if you would give us your name and tell us what you want to tell us about the ordinance.

Mr. Nicholas Nucci: I was stopped by the cops skateboarding on Candia Road near the Lazy Lion intersection and apparently, a complaint was filed upon me from skateboarding on April 8th and I think that this should be taken down because skateboards are a transportation device and a lot of kids do not like to do tricks on them if they are going to school, the park, work or anything like that, they could take their skateboard and skate down there.

Chairman Robertson: Thank you for your comments.

Another thing is that I looked into what other towns do with skateboarding ordinances and I primarily found that towns that have business districts and sidewalks have skateboard ordinances similar to ours and most towns that don't are ones like Deerfield, they don't have skateboard ordinances, for what it's worth.

Okay, if there are no more public comments and I don't hear any further comments, I would move to close the public hearing if there is no objection from the Board members, I will close the public hearing.

I don't know if the Board wants to make a decision on this this evening or if you want to think a little bit about whether we want to correct the language or the path that you want to take forward.

Vice Chairman Pitman: Can we kill the one that is there and then if there is a need, we could do a new one?

Chairman Robertson: Yeah, we could certainly kill the one that is there.

Motion: Vice Chairman Pitman moves to repeal the skateboard ordinance, 2-2000-relative to skateboards, roller blades and roller skates

Second: Selectman Dill

Discussion: Selectman McGarry: I asked John to check with town counsel to see if we would be incurring liability if we have this ordinance in place and then eliminating it. If a skateboarder is struck by a vehicle and whatever resulting consequences may come from that.

Mr. Harrington: The counsel said, no. That would not expose us to any additional liability.

Chairman Robertson: I expect it is much the same as a horse, joggers.

Selectman Dill: Exactly what I was going to say, you don't ban bicyclists, we don't ban jogging, we don't ban walking, we don't ban horses, it's simply another legal access transportation method.

Chairman Robertson: We can't ban horses by state RSA.

Selectman Dill: If the kids can ride 107, the kids can ride any state road because the ordinance just says town roads. I would rather have kids on Candia Road not on 43.

Chairman Robertson: Further discussion?

Selectman McGarry: I guess the question is, skateboarding, who is allowed on state highways and would turn to Gary to answer that one.

Chief Duquette: There is no law, there is no RSA regarding skateboards, or bicycles. Horses, it's in place for that, not skateboards. That's all-local control.

Chairman Robertson: Further discussion?

Vote: Yea 4, Nay 0, Abstained 1 – Motion Carries

*The Minutes were transcribed and respectfully submitted by Dianne L. Kimball, Recording Secretary
Pending approval by the Board of Selectmen*

(End of public hearing)

Corrected and approved by Board of Selectmen on 5.10.21