

**Town of Freedom
Selectmen's Meeting
Monday, May 3, 2021**

Present were Selectmen Leslie Babb, Ernest Day, Jr. and Melissa Florio, and Ellen White, Town Administrator, who recorded the minutes. This meeting was held at the Town Hall.

Chairman Babb called the meeting to order at 6:43 PM.

Also present was Rob Cunio, Josh Shackford, Gerard Constantino, Paul Wheeler, Bill Elliott, Alan Fall, Linda Habif, Anne Cunningham, and Scott Cunningham.

Review of Mail, Sign Manifests, Approval of Minutes

The accounts payable and payroll manifests were reviewed as well as the red folder containing correspondence.

Day made a motion to approve the minutes of the Selectmen's Meeting and Non-Public Sessions held on 4/26/2021 as written. Florio seconded. All in favor, the motion carried.

The Board reviewed the updated Town Clerk office hours to go into effect on 5/10/2021.

Payment was received for the repurchase of the Crapser Lane property. A Release Deed was presented for signatures. Cunio agreed to witness signatures. White informed the Board that the payment was deposited last week and the deed will be recorded once the payment has had sufficient time to clear.

Department Head Updates:

Fire Department – Chief Rob Cunio reported no new Covid cases, 1 call for medical aid, 1 smoke alarm, and 1 call for service. An email was received confirming the order for the AED units for the Transfer Station, Highway Department and Town Office. Cunio announced for informational purposes that fire permits are only good for the property owner. Any renters need to acquire their own for the length of their stay. Permit information is available on the Town's website on the Fire Department's tab.

Police Department – Chief Josh Shackford reported calls including suspicious activity (multiple), alarm activation, burglary in Totem Pole, vin verification (multiple), sex offender, motor vehicle theft, trespass (multiple), and follow up on (2) untimely deaths.

Town Office – Town Administrator Ellen White reported that training of the new Administrative Assistant Stacy Bolduc has been going very well. The Department of Revenue will be certifying town records in June as part of the town-wide revaluation that took place in 2020. Discussion on portable toilet rentals for the beach and ballfield locations for the summer. White stated that Garland Waste is no longer offering this service so she has reached out to several companies but only Pottie Patrol (\$150/mo.) and United Rentals (\$195.747/mo.) are able to supply at this time. The Board agreed to proceed with Pottie Patrol. The Transfer Station is now operating on their summer schedule: Tuesday, Thursday, Saturday and Sunday from 8-5. White stated the Conservation Commission and Planning Board will both be reviewing the offer received to acquire the Masonic Lodge to provide comment and reviewed potential dates for the public hearing on the subject; May 24 and June 7. The Board agreed to these dates. White stated the Property Tax Warrant will be presented for signatures next week and the tax bills will be mailed out late next week. Brief discussion on reopening the Town

Office. White confirmed she is all set to reopen on May 10 with the Board's approval. The Board was in agreement to proceed.

Highway Department – Road Agent Scott Brooks reported an employee that is out of work in quarantine. Brooks presented a quote from HP Fairfield to outfit the new Mack for \$65,700. The quote received from Allied was slightly more than \$61,000. Brooks reviewed the difference between the two plow manufacturers offered by each vendor. Brooks requested permission to set up the new 5500 Silverado for a wing due to the new truck's anticipate arrival in the late spring of 2022. He estimates he will need \$12,000-15,000 to cover it, but this amount should be equivalent to monies saved in maintenance/repair. Further discussion on the quotes received to outfit the Mack and how long the quotes will be honored. Brooks will provide his recommendation once he has a chance to review the brochure/information received.

Public Input:

None presented.

Old / New Business / Discussion:

Short-Term Rentals – Babb announced that this discussion is still in the very early stages and the Board will be consulting with the Town Attorney on the right approach. Some guidance has been received but it still needs to be reviewed and until then the Board is unable to share at this time. Discussion has been brought up in response to comments received that short-term rentals are against the Zoning Ordinance.

Gerard Constantino discussed the Airbnb issues prevalent in Conway and nationwide. Property owners have the right to rent but need to have control over partying, septic strain, etc. If the town were to disallow short-term rentals it would be a huge hit to the local economy but he understands the need to have regulations in place. Constantino requested the Board not follow Conway and disallow. He then discussed the income produced in rental used by many property owners to help offset the taxes and expenses.

Linda Habif questioned if the ordinance in place controls short-term rentals? Babb responded that properties should be permitted through special exception, but none are at this time. Review of the tourist home definition and requirements of the Zoning Ordinance with allowance only in the village, general and rural residential zones. Hotels are noted as allowable in the general residential only, by special exception.

Paul Wheeler reviewed permitted uses of a single-family dwelling including accessory uses from the Zoning Ordinance. His interpretation is that short-term rentals are permissible. Anne Cunningham provided a history on the intention of this section.

Wheeler stated that the real estate market has many phases and presently renting properties to offset expenditures while the property owner is not using the home is a hot trend. The average revenue generated on an average home for the brief period of 7-weeks of prime rental period is just over \$3,000. He does not want to see a few bad apples run the ability to rent for everyone else never mind the negative impact it will have on local contractors, cleaners, etc. whose services are heavily relied upon.

The town of Jackson implemented new regulations in 2020, Conway is in process of adopting, and several other towns have addressed this topic. Babb discussed the option of regulation through

licensing and implementing a fine structure for those in non-compliance such as \$500 first offense, \$1,000 second offense, revocation of license for third+.

Shackford confirmed receipt of many complaints received related to short-term rentals including display of fireworks, noise complaints, parties, etc.

Freedom was noted to have 82 Airbnb properties in addition to others listed on VRBO and craigslist. Wheeler stated that property owners would continue rentals underground if a ban was put in place, it would be better to put regulations in place.

Habif stated that many rented properties as families long ago, now it is younger generation, college students renting with no guidance in how to appropriately use a property. Regulations may change that complexion.

Alan Fall discussed his concern with overuse of occupancy above what the septic system was designed for.

Wheeler objected to prior statement of Habif stating that 9 out of 10 property owners are renting to pay tax and offset their expenditure, not to have an income producing property.

Discussion on the issue of enforcement requiring hiring additional staff to monitor and what type of requirements should be put in place such as requiring proof of septic pumping every year.

Florio questions how the influx of second property purchasing impacts the already limited availability of housing in town. Wheeler responded that it is not profitable to be a landlord. The market and economy will prevail and again reiterated the properties are not being purchased for income producing potential.

Cunningham stated she is undecided on the correct approach but added that the cost to prohibit may exceed those of regulating. She expressed concern with enforcement stating at present a complaint must be generated to be acted upon which may result in more underground activity with no life safety compliance. Septic capacity must be up for consideration. Regulating will take a lot of effort. If regulations are put in place to perhaps limit the number of rentals or number of days, that may detract investors just looking for income producing potential and no care to the town.

Day stated that he agrees with Wheeler that a select few may ruin it for others, but how do we enforce it? Babb responded that someone would have to be hired to administer, with the cost of that person to be covered through cost of licensing. For example, if there are 82 properties and it would cost \$8,200 to regulate, a license fee of \$100 would be appropriate.

Cunningham stated that there's always risk of new legislation on the matter but the town can still regulate.

Wheeler reported that the town of Conway has 600-700 short term rentals properties in comparison to Freedom's 82. The less the number, the easier to regulate.

Cunningham discussed research completed a few years ago that generated a report on shorefront district septic information.

Florio discussed issues with the rental listing such as on VRBO where 3-bedroom homes are being listed to accommodate up to 14-persons and \$25 fee for any additional.

Cunio discussed the life safety aspect as the main concern. With several units offering bedrooms in basements with only one point of egress, homes not up to code, lack of adequate smoke/co2 detection, etc. Cunningham questioned how to regulate the number of people? Cunio responded that the septic depicts occupancy. Fall added that each bedroom equals 2-person occupancy with the average usage of 75-gallons per person per day and a septic is sized accordingly based on these calculations.

Florio added that if they proceed with regulating through licensing, additional costs for police, fire department, and code enforcement need to be considered as well as for the staff to monitor. All costs need to be covered.

Shackford stated that a zoning violation is complaint driven, he feels that regulating will be impossible. Madison will be banning short-term rentals and he is in favor. If no one is doing anything wrong, they will not get caught.

Cunningham and Florio discussed regulation vs. prohibiting. Regulation would require a change to the Zoning Ordinance to be approved on the ballot. If prohibited as determined in the Zoning Ordinance, the Board can enforce through licensing.

Scott Cunningham also reviewed prohibition vs regulation stating that the safety and environmental regulations must be enough to deter those who are primarily looking to invest for short-term rental use of the property. A series of reasonable but firm regulations are necessary including the number of days allowable.

Regulation will result in chaos in the beginning while trying to manage those properties not up to code but it is easier to do it now and come up with a strategy to move forward and do it right.

Habif recommends seeing how other towns are handling this topic. Babb responded that Anne Cunningham has been completing extensive research.

Bill Elliott commented that the most important item discussed tonight is life safety. Egress and ingress, septic capacity, etc. It takes a tragedy to make changes and we should not wait to make changes. Babb responded that the Fire Chief has the ability to shut down any rental property for life safety concern as well as the Health Officer regarding septic disposal concerns. Additional areas of concern noted are exit, lighting, number of means of egress, bulkhead, etc. Cunio will follow up with Fire Marshall's Office for further discussion on dormitory/boarding requirements.

Discussion on room & meals tax revenue impact. The tax is calculated on a formula using assessed value, revenue generated, population, etc. and is not determinate of revenue generated in Freedom. Room & Meals tax collection was questioned as a commercial use argument.

Day suggests the topic be tabled for review of attorney recommendations and for receipt of further information on addressing life safety concerns. Cunningham stated availability in June or July for discussion at the Planning Board level. White will follow up with the Town Attorney. Cunio will contact the Fire Marshalls' office.

Scott Cunningham commented on the sensible civil discussion that took place. Bill Elliott mirrored the comment as well.

Day presented the Board with a quote received to repair chimney (\$1,500), pressure wash and repaint the metal roofing at the Masonic Lodge (\$6,800) or install a new steel roof (\$22,500). He will be working with other contractors to assess the building needs. Babb stated the building is a gift with the parking lot being the attractive feature. Maintenance costs are \$4,000 annually of which \$2,000 is insurance. If the Town Office is rebuilt, the downstairs of the lodge could be used for temporary office space to relocate and keep functioning. Florio is still of the opinion the transaction is more beneficial to them than the town. Discussion on including very specific language regarding use by Carroll Lodge only to be incorporated into any agreements.

Non-Public Session(s):

Babb made a motion to enter into a non-public session at 7:38 PM pursuant to RSA 91-a:3, II (a) for personnel. Day seconded. Roll call vote was taken: Day-yes, Babb-yes, Florio-yes. All in favor, the motion passed. Babb made a motion to reconvene public session at 8:49 PM. Day seconded. All in favor, the motion passed.

Discussion continued:

White informed the Board that there is only a short supply left of facility permits and questioned whether more should be ordered to get through the remainder of the year. The Board agreed. White will change the expiration date to 12/31/2021.

White presented a question posed by FCC Chair Jeff Nicoll regarding the Commission's oversight on recycling and whether it was a directive of the Town. Babb responded that it was not and was an area of interest by past commission members.

Day reported the concrete is being applied on the deck of the second lane of the Danforth Bay Bridge and the contractors estimate 3-weeks for completion.

White informed the Board of challenges she is having with the phone service at the Transfer Station. The phone has been out of service for several weeks and every attempt made to resolve has resulted in a dropped phone call. Day offered assistance with making contact.

Consent Agenda:

Minutes – Selectmen's Meeting & Non-Public Sessions – 4/26/2021	Approved
Payroll Manifest – week ending 4/28/2021	Approved
Accounts Payable Manifest – week ending 4/28/2021	Approved
Intent to Cut Wood or Timber – William Foord, 877 Eaton Rd. (Map 12, Lot 5)	Approved
Request for Abatement – McPherson, 86 Moulton Road (Map 8, Lot 43-01)	Approved
Notice in Accordance with RSA 72:23, 1 (b)II) (B)	Approved

Correspondence:

Receipt – State of NH Highway Block Grant, Qtr. 4	Reviewed
BTLA Notice – Date of final tax bill issued	Reviewed
Letter – Land Tech re: Bella 13, LLC wetland permit application	Reviewed
Notice of Decision – Zoning Board of Adjustment:	
Case #30-7-1-21, Peter McCarriston et al, variance granted	Reviewed
Case #30-7-1-21, Peter McCarriston, et al, variance granted	Reviewed

Case #30-7-1-21, Peter McCarriston, et al, special exception granted	Reviewed
Case #30-7-1-21, Peter McCarriston, et al, special exception granted	Reviewed
Case #01-01-01-21, Lance & Devin Bolduc, variance granted	Reviewed
Case #45-12-21, Julianne & Stephen Haskell, variance granted	Reviewed

Being no further input, Babb made a motion to adjourn. Florio seconded. All in favor, the motion passed.

The meeting adjourned at 9:03 PM.

Respectfully submitted,
Ellen White, Town Administrator

Approved by the Board of Selectmen on _____:

Leslie R. Babb

Ernest F. Day, Jr.

Melissa M. Florio