

**Selectmen's Meeting
Monday, March 14, 2022**

Chairman Les Babb called the meeting to order at 6:30 PM. Present were Selectmen Les Babb, Ernie Day, and Melissa Florio, and Ellen White, Town Administrator, who recorded these minutes. This meeting was held at the Town Office.

Also in attendance were Scott Brooks, Rob Cunio, Roberta MacCarthy, Jean Marshall, Paul Elie, Daymond Steer, Jamie Mullen, Scott Bois, Brian Taylor, Anne Cunningham, Gary Williams, and James Rines.

Review of Mail, Sign Manifests, Approval of Minutes

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

Ernie commented that the figures received for the paving proposals were reversed between the contractors in the draft minutes. Ernie made a motion to approve the minutes of the Selectmen's Meeting held on 3/7/2022 with amendments. Melissa seconded. All in favor, the motion passed.

Election of Officers

Ernie made a motion to appoint Les as Chairman. Melissa seconded. All in favor, the motion passed.

Les made a motion to appoint Ernie as Vice-Chair. Melissa seconded. All in favor, the motion passed.

Department Head Updates

Fire-Rescue Department – Chief Rob Cunio reported call volume including 6 medical aid, 1 mutual aid-fire, 2 fire alarms, 1 tree/wires down and no new cases of Covid. Cintas will be completing extinguisher and emergency lighting inspections tomorrow at all town buildings. Engine 7 will be going in for repair on the cold intake and electrical issues tomorrow. Rob will be meeting with Danforth Bay Campground to work on updating the emergency evacuation plan. Les questioned if there is already a plan in place? In the Emergency Operations Plan? Rob will review. The contract has been received from Alexis for the new rescue. Les questioned if there is any concern with the new truck fitting in the bay? Rob responded that it is the same length. The Board requested that legal review the contract before it is executed. Rob is playing phone tag with the municipal lease company.

Highway Department – Road Agent Scott Brooks reported the road bans will be in place until the roads dry up. The department raked a few roads last week and they are maintaining what they can in current conditions. Scott called today to get updated pricing from High Arch Gambrel for the salt-sand shed.

Town Office – Administrator Ellen White reported a busy week preparing for Town Meeting. A request for special exception has been received to allow alcohol for a wedding reception at the Town Hall in October with license and insurance in place. The Board was in agreement that this request for allowance of alcohol would be denied as per recommendation by the town's insurance provider. Meetings with the top three legal firms will be scheduled for this week, no date or time preferences

were given. Regional impact status has been granted by the Effingham Planning Board in regard to the Meena LLC gas station. How would the Board like to proceed? Melissa stated that FCC meets tomorrow and suggests they come forward with a plan or update to Board. Agreed. Les has not attended any of the meetings and questions if any plans were received since regional impact has been granted? Ellen responded that only the letter notifying of regional impact status has been received. Jean Marshall stated that Lakes Region Planning Commission (LRPC) has a copy and will be disseminating to towns. Les requested the plans be forwarded to the FCC when received. Their meeting is scheduled for 7 PM tomorrow evening. Roberta MacCarthy acknowledged the towns of regional impact being Eaton, Freedom, Tamworth, Madison, Wakefield, Ossipee, Freedom, Porter, ME and Parsonsfield, ME, all within the impacted aquifer. Jean commented that LRPC is not doing much at this time. Roberta stated that comments should be submitted to the Effingham Planning Board by 4/7/2022. Comments will be coming in from Green Mountain Conservation Group, Berry Bay Association, and Ossipee Lake Alliance. Les questioned if an ecological engineer has been hired? Roberta responded that Mark McConkey is the agent. Roberta presented a copy of the letter from Berry Bay Association to be included into the record (attached to these minutes). Les suggested this be an agenda topic for next week's meeting once they have the plans and all other information available to review. All were in agreement. Meeting will be scheduled for the Town Hall. Jean stated that it is important for this to happen soon due to the timing of the next meeting. Jean will get a copy of the plans to Ellen tomorrow.

Appointments:

Anne Cunningham re: Short-Term Rentals – Anne stated we are now entering Phase II of the short-term rentals since the language was approved last week. The Planning Board meets this week and she expects questions to be received, in addition to the questions already coming into the Town Office. Anne presented and reviewed a communication including FAQs that can be added to the town's website and distributed accordingly (attached to these minutes). Les requested this topic be continued onto next week's agenda. Les asked Rob to get a copy of Laconia's inspection form for review. Melissa anticipates phone calls requesting inspections will be coming in. Discussion on licensing. Les suggests 5/30/2022 as the date by which they will have a final licensing product available for review with consideration of a grace period to get into compliance. All must receive a conditional use permit to be reviewed by the Planning Board. Regulations are anticipated to be in place by 5/30 in advance of the State's deadline of 7/1. License applications will be available after 5/31, applicants will be given a prescribed timeframe to come into compliance

Daymond Steer questions the 90-day requirement in relation to SB249 potentially passing whether the 90-day requirement can actually be enforced. Les responded that if the requirement is in place prior to July 1, it will be enforceable. Daymond further questioned if short-term rentals can continue as is or from now on? Les responded that the ordinance is in effect when it passed. Rules to follow now include septic, parking, 90-day limit, # of beds, etc. until the permit is in place. Melissa stated that property owners are required to comply with these items immediately. Safety inspections will roll out immediately. For clarification, permits will be ready and available after 5/30 but the rest of the ordinance must be complied with now. Daymond commented that the owner of the Daily Sun will be monitoring the progress as it is in line with what he has been recommending for limiting the number of days.

Public Input:

None presented.

Non-Public Session:

Les made a motion to enter into a non-public session at 7:10 PM pursuant to RSA 91-A:3, II (e) for negotiations. Ernie seconded. Roll call vote was taken: Les-yes, Ernie-yes, Melissa-yes. All in favor, the motion passed. Les made a motion to reconvene public session at 7:17 PM. Ernie seconded. All in favor, the motion passed.

Old / New Business / Discussion:

Review/Act Upon Paving Bids Received 3/7/2022 – The two bids were reviewed. Both companies have done good work and have offered competitive pricing of \$2.40 difference. Ernie suggests award to the low bidder. Melissa agrees. Les stated the bids are for doing the same work, there is no issue with either company doing the work, and this is the first time a bid has come in so close. Scott Bois from Allstate Materials stated he is disappointed but understands the pricing to be legit, confirmed by the bids received. Les made a motion to award the paving contract to R&D Paving for the total of \$154,658.10. Ernie seconded. All in favor, the motion passed. Scott stated the pricing quoted will hold if the other contractor is unable to fulfill the contract. Les made a motion to authorize Scott Brooks to use Allstate Materials as the backup bidder. Ernie seconded. All in favor, the motion passed. Ellen will send both contractors notice of the bid award.

Melissa requested a letter of appreciation for Camp Calumet for the meals provided to election workers.

Non-Public Session:

Melissa made a motion to enter into a non-public session at 7:23 PM pursuant to RSA 91-A:3, II (l) for legal. Ernie seconded. Roll call vote was taken: Les-yes, Ernie-yes, Melissa-yes. All in favor, the motion passed. Les made a motion to reconvene public session at 7:28 PM. Ernie seconded. All in favor, the motion passed.

Discussion continued:

Brief discussion on the reopening of the Blue Moon Store.

Les left the meeting at 7:32 PM

Non-Public Session:

Ernie made a motion to enter into a non-public session at 7:32 PM pursuant to RSA 91-A:3, II (l) for legal and RSA 91-A:3, II (c) for reputation. Melissa seconded. Roll call vote was taken: Ernie-yes, Melissa-yes. All in favor, the motion passed. Ernie made a motion to reconvene public session at 8:27 PM. Melissa seconded. All in favor, the motion passed.

Discussion continued:

Ellen informed the Board she is still working on the State Bridge Aid reimbursement for the Danforth Bay Bridge project.

Melissa noted she will not be at the June 6 meeting.

Consent Agenda

Minutes – Selectmen’s Meeting– 3/7/2022	Approved
Accounts Payable – Week ending 3/11/2022	Approved
Payroll Manifest – Week ending 3/9/2022	Approved
MS-232: Report of Appropriations Actually Voted	Approved
Pre-Disaster Mitigation Plan Grant Extension Agreement	Approved

Correspondence

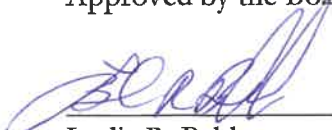
Letter – Effingham Planning Board re: Development of Regional Impact	Reviewed
Letter – NH Liquor Commission re: Liquor License, 612 Ossipee Lake Road	Reviewed
Letter – Don Johnson re: March 8 Election	Reviewed
Request for Appointment – Sean Coriaty – FAC	Reviewed
Invitation to Bid – Summer Maintenance of Town Properties	Reviewed
Wetlands Permit Application – 54 Spindle Point Road (Map 28, Lot 54)	Reviewed
Receipt – Tax Payment as Agreed	Reviewed
Receipt – Assistance to Firefighters Grant payment confirmation	Reviewed
Town Officers & Board Members Directory	Reviewed

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

The meeting adjourned at 8:35 PM.

Respectfully submitted,
Ellen N. White, Town Administrator

Approved by the Board of Selectmen on 3/21/22 :



Leslie R. Babb



Ernest F. Day, Jr.



Melissa M. Florio

To: Town of Effingham Planning Board
CC: Selectmen of the Town of Effingham
Fr: Berry Bay Association
Dt: Feb. 17, 2022

We are writing with regard to the proposed gas station at the intersection of Leavitt Road and Route 25 in Effingham. We believe a gas station at this site will present an unwarranted threat to the drinking and surface water of property owners on Berry Bay, Leavitt Bay, Broad Bay, Ossipee Lake, and the Ossipee River. The Effingham ZBA voted to override their town's Groundwater Protection Ordinance established over 10 years ago. We are requesting the Effingham Planning Board defend and protect the Groundwater Protection Ordinance today, in 2022.

The Berry Bay Association with members who own property along Berry Bay and the Ossipee River are very concerned about the impact of the proposed gas station on ground and surface water contamination in the Ossipee watershed. The proposed gas station is in an area which is very sensitive to groundwater contamination and runoff from storm water. In addition, any spill of any amount of gasoline has the potential to contaminate numerous private water wells in Effingham, Ossipee, Freedom, and other neighboring communities in the Ossipee watershed, affecting the health and welfare of the region. The decision to place a gas station over the aquifer impacts our environment and every community around Effingham. There is no doubt that this proposed project has regional impact and should have regional review by your neighbors.

We urge you to make a decision based on the long term good of our entire region and make this a "Development of Regional Impact (DRI). Also please support Effingham's Water Protection Ordinance that was approved by the residents of Effingham and reject the variance approved by the Effingham ZBA. Think about the health of the regional community and future generations.

Thank you in advance.
Berry Bay Association
Board Members

Roberta MacCarthy, President
Brian Taylor, Secretary
Stephen Thurston, Treasurer
John Habif, Officer
Kevin Eisener, Officer

Today's Situation

- Short-term rental (STR) regulations passed on election day
- The Board of Selectmen (BOS) will be structuring the process for issuing conditional use permits
- The BOS understand that many STR owners have already confirmed reservations for the rest of the year. Some of these reservations may be in violation of the regulations—occupancy limits or total number of rental days a year, in particular.
- The BOS will work with owners to make the transition to the new regulations
- Check the town website (townoffreedom.net) for information.

STR FAQ

1. Can I still operate an STR in Freedom?

Yes, STR are allowed in all districts with a conditional use permit

2. Can I apply for a permit now?

- The Board of Selectmen (BOS) is designing the process. It will take some time to set up the process. Check the town website (townoffreedom.net) for updates. If you would like the town to contact you when the permit process is ready, please send your email address to townoffreedom.net

3. Can you give any information about the permit in the meantime?

- There is a 90-day rental limit per calendar year.
- Be ready to comply with the following requirements:
 - To provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
 - To sign an affidavit and provide photographs to certify smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning, windows and/or doors designated for emergency egress are maintained and in operational order, no basement space is used as a sleeping area unless there are two means of egress that are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code, a functional fire extinguisher is visibly installed in any kitchen area.
 - To provide a NH DES Septic approval. Where there is no valid subsurface system operational approval on file with NH DES, to certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The allowed occupancy will be 2 people per bedroom on the DES approval plus 2.
 - To show designated parking areas on the property to accommodate the allowed occupancy.
- Check for all permit requirements in the zoning ordinance at townoffreedom.net.

4. What do I do until the permits are available?

- Start preparing the materials listed above
- If you already have reservations for more than 90 days for the calendar year 2022, gather your records to show that the reservations were made before March 9, 2022.
- If you are still taking reservations, do not confirm reservations that will exceed the 90-day limit.
- Find your DES septic approval and calculate the occupancy limit for your property. The limit is 2 people per bedroom plus 2. Use this number in your ads for your STR.
- If you have beds in a basement without 2 means of access, stop advertising these—even if your septic approval/occupancy calculation can support the numbers.