

**Selectmen's Meeting
Monday, June 6, 2022**

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

Also in attendance were Scott Lees, Jamie Mullen, Scott Brooks, Justin Brooks, Rob Cunio, Kyle Clifton, and Gordon Nason.

Non-Public Session:

Les made a motion to enter into a non-public session at 6:30 PM pursuant to RSA 91-A:3, II (1) for legal. Ernie seconded. Roll call vote was taken: Ernie-yes, Les-yes. All in favor, the motion passed. Les made a motion to reconvene public session at 6:40 PM. Ernie seconded. All in favor, the motion passed.

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 made a motion to approve the minutes of the Selectmen's Meeting and Non-Public Session held on May 16, 2022 as well as the Selectmen's Meeting and Non-Public Session held on May 23, 2022. Les seconded. All in favor, the motion passed.

Department Head Updates:

Highway Department – Road Agent Scott Brooks reported dust control will be completed Thursday. The new Mack was supposed to be in last Friday, and then today but not. It will be invoiced and ready for pickup at some point this week to be sent over to HP Fairfield for outfitting. Ernie questioned when the culvert and paving will be wrapped up on Swett Hill? Scott discussed the pricing increases due to rising fuel costs and supply issues. Asphalt was \$600/ton and is now \$800/ton due to the escalation clause in the paving contract. The culvert has been built and will be delivered by the end of June. The reclaim and graveling is scheduled for July and paving in late August. Further discussion will have to be had in order to figure out the funding for sealing and paving overages.

Transfer Station – Supervisor Justin Brooks reported it was a busy Memorial Day weekend. There was no surveyor present to inventory valid permit holders but he did put out a sign reminding all to get their new permits. Many were sold over the holiday weekend. Scrap iron was hauled out but the revenue yield was reduced by fuel costs, end result is \$75/ton. Preparations are being made for the upcoming July 4th holiday.

Fire Department Chief Rob Cunio reported 4 active Covid cases and call volume consisting of 5 medical aid, and 1 fire alarm. May was slow with 48 calls for service. The trail naming meetings have gone very well and all trails have been named. They are being input into an online mapping program to help determine what signs are needed and where. One more meeting should be all that is needed. Rob is waiting for the paperwork for the AEDs which should be coming tomorrow and will be filled

out and submitted for grant reimbursement. The batteries are in for the new radios and speaker mics have been shipped. Ossipee Mountain Electronics will be coming over to reprogram and bring the remaining items. The state grant program requires proof of payment of the invoice to be reimbursed. Forestry II is back in service. Rob stated he has not flushed the village hydrants yet as he has been waiting to hear back from the property owner. Ellen stated there is a response in the Selectmen's folder. Rob stated that after research on pricing for lobsters the association has decided the pricing is too high to hold a lobster supper. Instead, they will be hosting a family event fundraiser with touch-a-truck, bouncy house, dunk tank and raffle. The boat and trailer registration forms were submitted for signatures. Les questioned if the trail names will be on regular signs that Scott Brooks can order? Rob responded that they will be discussing the signs at the next meeting.

Police Department – Chief Jamie Mullen reported the triathlon was held this past weekend and all went well. Effingham PD assisted with traffic control and he is grateful for the support between the departments. With warmer weather here, patrols are being made regularly at the beaches and tickets are being issued. Complaints are anticipated. Jamie stated that behavior indicates their flexibility to work with violators. Their goal is to keep the beaches open and behavior under control. The radar trailer will be going out this week.

Scott Brooks discussed two available processes for sealing through All State Asphalt; rubber chip sealing is one day of work and requires a 20k square yard minimum. The current price is \$5.05/square yard and would require \$100,000+ and only \$52,000 was raised in the warrant article. The second option is \$3/square yard and is done by a different crew. It is applied like hot asphalt and swept immediately. The rubber chip seal does not seem to be an option this year due to the cost and he does not want to defer it any longer since the pandemic put all projects behind schedule. Ernie questioned if Scott has any forecast as to when things may turn around. Scott responded that they're saying gas could be \$10/gallon and diesel \$20/gallon by summer; cuts have to be made somewhere without cutting into winter road maintenance. The current fuel contract expires at the end of August and will be going out to bid in July. Discussion on holding a public hearing to increase the sealing and paving warrant article amounts raised using unreserved fund balance. Ellen will reach out to NH DRA to start the process. Scott stated the rubber chip seal can only be scheduled into the end of August; the second process can be done up until October.

Town Office – Administrator Ellen White reported the audit is pretty well wrapped up with a few items such as the capital assets left to complete. A progress invoice was received today for 75% of the total cost. A fireworks ordinance sign was presented for consideration and a quote has been received for larger yard signs at \$275.00 for 20 signs. Jamie stated that he has not been receiving any complaints. Ernie was in favor of ordering the signs. Les reported an ad has been placed on the Ossipee Lake Village sign for the fireworks store; Scott will get it removed. Les questioned the status of the state bridge aid? Ellen copied State Rep Mark McConkey on her last request and he has since reached out to Commissioner Sheehan for assistance. No further updates are available since an out of office response was received last Wednesday. Ellen reviewed the minimal cost amounts that are in question holding up the reimbursement.

Justin stated the contract with Casella expires at the end of this year and questions when it will be going out to bid. The last RFP will be circulated for review and this will be added as an agenda item for next week.

Tax Collector Ann Babb distributed a list of delinquent properties eligible for tax deeding. ***She suggests scheduling the tax deeding for July 18. The Board agreed.*** She will be mailing out the lien letters exactly 30-days before the date of taking.

Public Input:

Gordon Nason questioned a story he has heard around town regarding flags that were proposed to be installed on the utility poles and all the Selectmen had to do is to sign a form with Eversource. Les responded that the proposal came in for the installation of 3 flags at \$90/each to be purchased by the Old Home Week Committee but they were not sure if Eversource would install them or how they would be installed or maintained so the Selectmen said no. Ernie stated that if the Old Home Week Committee is purchasing them and handling the coordination of the install, he is in favor. Gordon stated with the name Freedom and the number of veterans and those actively serving from Freedom, it is a good idea. It was also rumored that too many flags in town would be tacky; Gordon stated that no American flag is too tacky. Ernie agrees. Les stated that he wants to make sure that Eversource is handling the installation to meet height regulations for traffic coming through town and to ensure public safety. Ernie will make some phone calls to coordinate the appropriate contact is made for Eversource to install. ***The Board was in agreement to reconsider the request with the caveat that Eversource handles the installation.*** Ellen will pull out the agreement with Eversource for signatures next week.

Appointments:

Anne Cunningham re: STR Enforcement - Anne referenced the information she distributed earlier today, attached to these minutes for reference. To date, three conditional use permit applications have been received. She is willing to draft a letter to those we know are advertising in order to bring them into compliance. In speaking with Attorney Gorrow, she suggests the town be even-handed in sending a notice of violation letter rather than a cease-and-desist. Anne volunteered to take the active listings from the VRBO and AirBnB sites and compile the listing of properties from the town's assessing database. ***The process will be three stages: letter, response, application. Properties that do not meet the requirements of the conditional use permit may appeal the administrative decision to the ZBA. Those that do not respond will be taken to court for action. The Board was in agreement.*** Ernie requested Anne track her time spent on this project. The content of the letter will address the number of days to comply with penalty assessment commencing the date the letter is sent, certified mail, return receipt requested and first class. Anne will work on the letter with Attorney Gorrow.

Alan Fall was present to ***request use of the first-floor kitchen and staging area of the Masonic Lodge for the Rubber Ducky food service and ice cream social. These events are responsible for Carroll Lodge's charitable contribution to the food pantry and other purposes. The Board was in favor.*** Les suggests leaving the doors open until exit signs and other safety requirements are able to be put in place.

Old / New Business / Discussion:

A letter received from Sarah Tabor regarding the hydrant flushing was reviewed and discussed.

Justin Brooks announced he is considering resigning from the FAC.

Non-Public Session(s):

Les made a motion to enter into a non-public session at 7:35 PM pursuant to RSA 91-A:3, II (c) for reputation. Ernie seconded. Roll call vote was taken: Les-yes, Ernie-yes. All in favor, the motion passed. Les made a motion to reconvene public session at 8:10 PM. Ernie seconded. All in favor, the motion passed.

Discussion continued:

The Board reviewed a counter offer received on the Pequawket Trail and Intervale Ave. properties. *Les suggested acceptance of the counter offer for \$78,500 on the Pequawket Trail property only, and offering an open bid process for the Intervale Ave property. Ernie agreed.*

Adjournment:

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

The meeting adjourned at 8:31 PM.

Consent Agenda:

Accounts Payable – Week ending 5/27/2022 & 6/3/2022	Approved
Payroll Manifest – Week ending 5/25/2022 & 6/1/2022	Approved
Minutes – Selectmen’s Meeting & Non-Public Session – 5/16/2022	Approved
Minutes – Selectmen’s Meeting & Non-Public Session – 5/23/2022	Approved
Request for Abatement – Dianna & Calvin Corey, Jr., Map 60, Lot 1-YOW16	Approved
Request for Abatement – Carroll County YMCA, Map 1, Lots 15-2 & 15-3	Approved
Request for Abatement – Phyllis & Bill Cooper, Map 60, Lot 1-YOW21	Approved
Request for Abatement – Kim Cutter, Map 60, Lot 1-N42	Approved
Agreement – Matt & Heidi Glavin re: Detached ADU acknowledgement	Approved
Agreement – Forest Protection Cooperative Agreement – 2011 EZ Loader Trailer	Approved
Agreement – Forest Protection Cooperative Agreement 2010 North River Boat	Approved
Bill of Sale – Town of Hiram re: 2016 Ford F-550	Approved
Offer – Pequawket Trail & Intervale Ave properties	Withdrawn
Offer – Pequawket Trail & Intervale Ave properties	Countered
Letter – to: Kyle Clifton re: Response to email of 5/17 on STR grandfathered status	Approved
Quotation – Minuteman Press re: Fireworks Ordinance Signage	Approved

Correspondence:

Minutes- Zoning Board of Adjustment Meeting – 5/24/2022	Reviewed
Application – Wetlands PBN: 1031 Ossipee Lake Road	Reviewed
Notice of Decision – ZBA: Mark S. Morrow Rev. Trust–Special Exception Granted	Reviewed
Notice of Decision – ZBA: Mark S. Morrow Rev. Trust-Special Exception Granted	Reviewed
Notice of Decision – ZBA: Mark S. Morrow Rev. Trust- Variance Granted	Reviewed
Notice of Decision – ZBA: William Larson Trust – Variance Granted	Reviewed
Notice of Decision – ZBA: Palacio Rev. Trust – Variance Granted	Reviewed

Correspondence continued:

Notice of Decision – ZBA: Palacio Rev. Trust – Special Exception Granted	Reviewed
Notice of Decision – ZBA: Daniel Mullane/Julian Samaro-Special Except Granted	Reviewed
Notice of Decision – ZBA: Daniel Mullane/Julian Samaro-Variance Granted	Reviewed
Notice of Decision – ZBA: Mogan Irrevocable Trust-Variance Granted	Reviewed
Notice of Decision – ZBA: Mogan Irrevocable Trust-Variance Granted	Reviewed
Notice of Decision – ZBA: Mogan Irrevocable Trust-Variance Granted	Reviewed
Notice of Decision – ZBA: Benjamin J. McKillip-Variance Granted	Reviewed
Notice of Decision – ZBA: Benjamin J. McKillip-Variance Granted	Reviewed
Notice of Decision – ZBA: Benjamin J. McKillip-Variance Granted	Reviewed
Notice of Decision – ZBA: Benjamin J. McKillip-Variance Granted	Reviewed
Notice of Decision – ZBA: Benjamin J. McKillip-Special Exception Granted	Reviewed
Notice of Decision – ZBA: Martin Sholomith-Variance Granted	Reviewed
Notice of Decision – ZBA: Martin Sholomith-Variance Granted	Reviewed
Notice of Decision – ZBA: Martin Sholomith-Variance Granted	Reviewed
Notice of Decision – ZBA: Martin Sholomith-Special Exception Granted	Reviewed
Notice of Decision – ZBA: Martin Sholomith-Special Exception Granted	Reviewed
Letter – to Sarah Tabor re: Upcoming hydrant flushing	Reviewed
Letter – Sarah Tabor re: Response to hydrant flushing	Reviewed
Letter – White Mountain Oil & Propane re: Easy Payment Budget Program	Reviewed
Letter – Vacasa – Management proposal for 50 Eaton Road	Reviewed
Letter – to Linda Mailhot re: Appointment to FCC as Alternate	Reviewed
Letter – to Don Harris re: Appointment to FAISC	Reviewed
Letter – to Northeast Earth Mechanics, Inc. re: Gravel crushing contract award	Reviewed
Letter – Tri-County Community Action re: Thanks for program support	Reviewed
Letter – to State Hazard Mitigation Officer re: Request for LHMP Grant R/I	Reviewed
Email – to Kaye Noullett re: Response to Transfer Station Concerns	Reviewed
Email – to Ron Kleiner, NH DOT re: State Bridge Aid Request for R/I	Reviewed
Receipt – Ricker Auto Salvage – Scrap iron recycling revenue	Reviewed
Receipt – Tax Payment as Agreed	Reviewed
Report – 2019 Lien/Unpaid Receivables	Reviewed
Draft - Enforcement for STR Permit Violations	Reviewed

Respectfully submitted,
Ellen N. White, Town Administrator

Approved by the Board of Selectmen on _____:

Leslie R. Babb

Ernest F. Day, Jr.

ABSENT
Melissa M. Florio

Enforcement for STR permit violations

Freedom ZO Section 1506.1 “A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.”

Most Freedom property owners who are running STR are not in compliance. As of today, the town has received one completed application and one “in the mail.” A search of Airbnb, VRBO, and other sites show many Freedom property owners have established and are advertising STR. The calendar on the listings show they are running STR. It is time to decide on enforcement—do it? Not do it. How to do it?

Identification Process:

- Document Freedom property owners who are advertising and operating STR. Anne spent some time looking at Airbnb and VRBO, the two most popular platform. Although the platforms say you will learn the address after booking, their location maps do show locations. Anne compiled a few examples by:
 - Screen shot of photo of the home on the advertisement
 - Located STR on platform map
 - Looked for the home on the online assessment data
 - Screen shot of home and owner’s name and address on the online assessment dataIn addition to Airbnb and VRBO, many more platforms exist. Some are aggregators (list other platforms’ ads). These need to be documented. Not sure how many other original (not aggregator) sites. Also need to create database for addresses and monitoring. Anne estimates documenting each STR takes 10-15 minutes. Total 10-12 hours (including database)
- Maintain database of STR activity by checking listings:
 - VRBO has property numbers, which can easily be checked daily in about 1 minute per STR
 - Airbnb doesn’t have numbers, but they have titles that can be checked. 1+ minute per STR
 - Other original sites (?) 1+ minute per STRDaily time: 1-1.5 hours per day.
Database would allow town to determine days out of compliance.

Legal Process

Town counsel (Diane Gorrow) recommends a multi-stage process

- Send Notice of Violation letters from a town official (code enforcement or BOS)
 - What must the owner do? Stop renting STR until it meets life safety, sanitation, and nuisance requirements.
 - Mail letters two ways: first class mail and certified/return receipt.
 - Penalties start the date of the letter
 - Given the need for a transition, BOS can choose a different compliance point than ceasing to rent: Date a completed application with no waiver requirements is received. Date the permit is issued. Other?
- The STR owner agrees to apply for a permit and signs a compliance agreement.
 - Application goes through the process and BOS collects penalties.
- Owner responds by objecting to the need for a permit
 - Town can suggest they file an appeal of an administrative decision with the ZBA. Hopefully, that will end with a decision that they are required to have a permit and may apply for grandfathered status for rental days based on the applicant’s submission.
 - If owner accepts the decision, they sign a compliance agreement, file a permit application, and pay penalties.
 - If not, town can decide whether to involve town counsel and bring the owner to court.
- No response
 - Town can decide whether to involve town counsel and bring the owner to court