

Selectmen's Meeting
Monday, September 26, 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 was Jamie Mullen, Rob Cunio, Kyle Clifton, Paul Mathiau, Christopher Libby, Dick Phillips, and Barbara McEvoy.

Review of Mail, Sign Manifests, Approval of Minutes:

The accounts payable and payroll manifests, and red folder including correspondence was reviewed.

Ernie made a motion to approve the minutes of the Selectmen's Meeting and Non-Public Sessions held on September 19, 2022. Melissa seconded. All in favor, the motion passed.

Ernie made a motion to approve the minutes of the Selectmen's Non-Public Sessions held on September 12, 2022. Melissa seconded. All in favor, the motion passed.

Ernie made a motion to approve the minutes of the Selectmen's Meeting and Non-Public Sessions held on August 31, 2022. Melissa seconded. All in favor, the motion passed.

Melissa questioned the location of the PFA testing that was conducted by the USGS noted as Map 6, Lot 2? The location was determined to be the Town Forest.

Paul Mathiau questioned if it is normal practice for the Board to review the mail and correspondence as part of their meeting. Ellen confirmed. Les added that it provides the opportunity for discussion on any questions while reviewing the correspondence, bills or payroll that may come up without delay.

The Primex CAP Agreement was presented for review. Ellen stated that the agreement locks the town in for no more than a 9% increase for the next three years. The premiums have not increased over the past few years and the town has been fortunate to received holiday premium contributions but there is no telling what lies in the future. *Ernie made a motion to have Les sign the Contribution Assurance Program with Primex. Melissa seconded. All in favor, the motion passed.*

Ernie questioned if the Road Agent addressed the Liberty Lane concerns that were raised a few weeks ago? Ellen will follow up with him.

Department Head Updates:

Fire Department – Chief Rob Cunio reported call volume including 5 medical aid, and 1 fire alarm. All trucks have been serviced and inspected. The module replacement in the Rescue did not repair the high idle issue. It will be going to Advanced Diesel on Thursday and they will be replacing the module plug in to see if that makes a difference. The boat is finally registered and they are working out a training plan for spring. They have rearranged for the storage of the boat at Village Station which will save approximately \$500/year in shrink wrap costs for winter storage. Rob discussed the

grant used to replace the air packs in which they received 14 air packs, 7 spare bottles, 6 batteries and chargers. There is need for additional spare batteries to maintain functionality. Rob proposed purchasing an additional 6 batteries with charger for \$6,375 from Firematic out of his operating budget. Rob explained that Firematic is the only authorized MSA dealer so he is not able to put it out to bid. He also stated that there is an anticipated price increase of 6-9% in the next few weeks. Les questioned the total grant acquired for the air packs? Rob responded that it was approximately \$92,000 and the town's portion of that was only the cost of one air pack. ***Les made a motion to waive the purchasing policy and allow the Fire Chief to order the back charger and batteries. Ernie seconded. All in favor, the motion passed.***

Police Department – Chief Jamie Mullen reported continual directed patrols on Cushing Corner and Old Portland Road, a report of theft, and mental health check. The PD will be working with the SPCA to train on cruelty to animals' cases. The Towle's have agreed to use their horses as a case study in determining health body mass.

Town Office – Administrator Ellen White presented some language regarding driveway regulations that were drafted with assistance from Road Agent Scott Brooks and questioned if the Board would like to proceed them forward to the Planning Board for a Zoning Ordinance amendment? The Board agreed. An invoice was presented for hauling of brush from the Transfer Station totaling \$4,000 for 200-yards that were hauled away. Transfer Station Supervisor Justin Brooks has questioned whether there should be a collection fee up for consideration since brush removal is becoming more common than burning it. Melissa questioned if there is a more local vendor than Derry? Ernie suggested looking into another outfit over the border in Maine. Melissa stated that more loads are being hauled than in the past. Ellen stated that it has been difficult to coordinate burning due to weather conditions and staffing shortages. Rob is not involved until the fire burns throughout the night and responds to calls related to. Rob stated that the prior contractor who hauled brush away is deceased. The Town of Madison charges \$30/pickup truck load of brush. Does this want to be considered as updates are being made to the Solid Waste Management Facility Ordinance? Melissa agrees that we need to be covering the disposal costs. Discussion to ensue. Photos were presented showing the status of the cleanup in progress at 3 Ossipee Lake Road. The container is $\frac{3}{4}$ full and scheduled to be swapped out on Wednesday. Barbara McEvoy presented a draft waiver she has used in the past for her yoga classes for consideration. Ellen has reached out to the Town Attorney for a more generic version that can be used for other events. Primex provided examples for town-sponsored events for consideration. Ellen expects to have an answer back from the attorney this week. Review of October meeting schedule including no meeting on Monday, October 10 for Columbus Day, opening of the proposals for the Transfer Station MSW hauling scheduled for October 17, Regional Ambulance Committee Meeting October 24, and potentially the Annual Public Officials Meeting for October 31. October 11 is the joint meeting with the School Board. Melissa noted October 31 as the trick-or-treat night and suggested an alternate date. October 17 is an option. Les can do a Wednesday afternoon, October 19 or 26. Notices will be issued to all boards, committees, and department heads for October 26.

Appointments:

Paul Mathiau, Freedom Public Library (Rescheduled from 9/19/2022) – Paul stated that he would like to hold off on the payroll discussion as Treasurer Robin Waters is unable to attend this evening. Paul then provided an update on the entrance rebuild project at the library. They had to forego the grant application process after they lost contact with their person at the USDA office and the paper application they submitted was lost. They were then referred to complete the application process

online. They will be proceeding with the project using all funds allocated at Town Meeting with no grant offset. GW Brooks has been awarded the contract as the only company providing a response to their request for proposals. Les questioned if the project was put out to bid? Paul confirmed stating it was advertised in the Conway Daily Sun. Paul requested the payroll discussion be held at the 10/3/2022 meeting.

STR Use of Transfer Station – The Solid Waste Facility Management Ordinance was reviewed. There is no guidance regarding use of the Transfer Station by seasonal renters although the handout allows disposal at \$5/bag. Renters can obtain a facility permit by showing their rental agreement or with a letter from the landlord. It is listed on the Transfer Station handout that they can dispose for a fee of \$5/bag. Definition of renter needs to be defined as anything over 30-days. Less than 30-days is considered a short-term rental. Melissa stated the purpose behind the STR Ordinance requiring a trash management plan is to assure that trash is not left behind for animals and creating a nuisance. It should also not be the responsibility of the renter to dispose of the trash. Melissa reviewed other towns and Effingham provides a different color sticker for seasonal renters to access their facility from Memorial Day to Columbus Day. An email received from Helen Cheese-Probert (attached to these minutes) offers other suggestions. Les polled the Board for a price per bag for seasonal use, this would include Danforth Bay but exclude STRs. STRs would have to have a trash management plan in place as is currently required. Les is not opposed to allowing a management company of an STR access for disposal however this then adds to the commercial vs. residential use of the facility which is prohibited. The Board would like to have Justin present for additional discussion. Ernie suggests involving legal counsel. The ordinance requires updating to incorporate the new schedule being implemented. Les suggested this topic be continued for discussion next week. Ellen will reach out to Planning Board Chair Anne Cunningham to request her attendance.

Public Input:

Kyle Clifton suggested the Town offer a trash collection service for STRs with regular pickups for a fee rather than restrict access as a way to make some money for the town.

Old / New Business / Discussion Continued:

Solid Waste Management Facility Ordinance Review - Noted corrections include the new year-round schedule of Friday, Saturday, Sunday, and Monday 8am-4pm in the winter and 8am-5pm in the summer effective October 1, 2022. Other items to address within ordinance amendments to include brush fees and temporary permits/contractor use. Melissa provided a summary of how area towns handle their disposal permitting by contractors. Discussion to ensue.

Non-Public Session(s):

Les made a motion to enter into a non-public session at 7:30 PM pursuant to RSA 91-A:3, II (a), personnel. Ernie seconded. Roll call vote was taken: Les-yes, Ernie-yes, Melissa-yes.

There was a brief delay in entering into non-public session while Barbara McEvoy discussed her concern with invasive knotweed present in town. Les stopped the discussion and explained that public input has closed and they must continue into closed session. Barbara was welcomed to continue her discussion next week during public input.

All in favor, the motion passed. Les made a motion to reconvene public session at 7:58 PM. Ernie seconded. All in favor, the motion passed.

Discussion Continued:

Ernie expressed concern for making any changes impacting short-term rentals without legal consultation. Les stated that the Selectmen can amend the Solid Waste Facility Management Ordinance then the Planning Board can make amendments affecting the Zoning Ordinance as necessary. Discussion regarding the volume of pine needle and brush collection as well as the upcoming RFP deadline for hauling MSW coming up on October 17. The Board would like time to review the proposals before award is made.

Ellen questioned what types of containers the Town owns, 30-yard roll off and compactor-style? Les responded that he believes there are 3-4 compactor and 3 roll off.

Adjournment:

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

The meeting adjourned at 8:15 PM.

Consent Agenda:

Accounts Payable – Week ending 9/23/2022	Approved
Payroll Manifest – Week ending 9/21/2022	Approved
Minutes – Selectmen’s Meeting & Non-Public Sessions – 9/19/2022	Approved
Minutes – Selectmen’s Non-Public Sessions– 9/12/2022	Approved
Minutes – Selectmen’s Meeting & Non-Public Session – 8/31/2022	Approved
Approved Rates of Pay	Approved
Bill of Sale – 2012 Chevrolet Tahoe to Les Babb	Approved
Primex Contribution Assistance Program Agreement	Approved
Form MS-535: Financial Report of Budget	Approved

Correspondence:

E-Mail – Deputy Secretary of Treasury re: Recovery Program Operations Update	Reviewed
E-Mail – Helen Cheese-Probert re: Varied (STR) Use of Transfer Station	Reviewed
E-Mail – Kyle Clifton re: RSA 91-A request for information (STR-related)	Reviewed
Letter – US Department of Interior re: PFA sampling conducted	Reviewed
Letter – NH DES re: Restoration Plan Approval - 113 E. Danforth Rd.	Reviewed
Letter – Brock & Scott PLLC re: Postponement of Foreclosure Sale, 51 Freedom Pt	Reviewed
Release Form – Waiver for yoga classes to be performed by Barbara McEvoy	Reviewed
Agreement – Town Forester Contract with B.H. Keith Associates	Reviewed
Receipt – Tax Payment as Agreed	Reviewed
Public Notice – Transfer Station Schedule Change	Reviewed
Public Notice – Help Wanted – Laborer/Truck Driver	Reviewed

Respectfully submitted,
Ellen N. White, Town Administrator

Approved by the Board of Selectmen on _____:

Leslie R. Babb

Ernest F. Day, Jr.

Melissa M. Florio