

BOARD OF SELECTMEN

April 25, 2022

MEMORIAL BUILDING

4:30 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

The meeting was called to order at 4:30 p.m.

Selectmen present: Dick Hendl, Amy Lewis and Poul Heilmann

Others: Maryanne Petrin, Pixie Hill, Tim Bray, Jack Hedges, Pete Lacaillade, Kevin Roberts, Jim Bednar, Whit Smith, Rob Thorp, Ken Jacques, Tanner Jacques, Mike Howard, Michael Chiarella and Susan Chiarella

Scheduled Appointments:

At this time the audience was asked to step out of the room while the Board entered into a brief non-public session.

At 4:30p.m. Dick made a motion to enter into non-public session to discuss Personnel per RSA 91-A:3. The motion was seconded by Poul. Dick voted aye. Poul voted aye. Amy voted aye.

The board moved back into public session at 4:48p.m. Dick made a motion to seal the minutes discussing personnel. The motion was seconded by Amy. Dick voted aye. Amy voted aye. Poul voted aye.

Fire Truck: Kevin stated at the beginning of this process the Fire Department met with the Selectmen and Budget Committee to set up a price of \$525,000 for the purchase of a new fire truck. The truck committee, made up of Jack and Kevin with Pete overseeing them, came to the Board with a truck priced at \$525,000 that they chose with a pre-buy plan to get everything they need on this truck. Kevin stated that the question has been asked in the past of whether the money is available to sign the contract, which is a question he is asking again tonight; is the money available so the fire department can move forward with signing the contract for this fire truck. To Dick's knowledge the answer to that question is no because the USDA will not advance the money until the truck is delivered. Kevin stated another question that has been asked in the past is whether or not there is a back up plan. Pete stated the departments concern is the cost of the truck being inflated by not having the money available to make this purchase. Dick said the backup plan would be to go down to one of the local banks and see if we can procure a loan for the truck.

Amy asked Whit what the USDA finance rate is going to be. Whit stated it depends on when we would close on the loan commitment, the current rate is 2.5% and that would be held through June 30, 2022. Amy asked if there is any clause in the application that requires the town to exhaust other options for funding before that one is considered; Whit answered no. Amy has spoken with a few local banks, starting with Sugar River Bank, their rate is 4.25%; Mascoma Bank is 2.8%, if we open a deposit account with Mascoma the rate drops to 2.5%. Amy is

considering a Capital Reserve account, which has to be separate from the bank which holds the general fund. This will allow that separation and get us that 2.5% financing. Whit asked if Mascoma will lend the money prior to the deliver of the truck, Amy answered yes stating municipal loans don't require a security deposit. Jack stated on the prepayment of the fire truck that includes a performance bond so there is an insurance policy on the payment to the company for the entire sum of the fire truck; it is built into the cost of the truck.

Kevin stated it is the Selectmen's decision on how this is done, but he has talked to the truck company after many issues, and it was said to Kevin that they have a good relationship with the fire department and are willing to work with them. That being said the company received a signed contract, and then a contract withdrawal. Kevin has not entered into another contract because it was said that they should figure out the first contract before thinking of a second one. Kevin asked if the contract was withdrawn by a town official. Tamara stated she has a copy of the contract on her computer; Dick asked if we got the signed copy back. Pete stated that he is holding the signed contract, and that no one is trying to blame anyone they just don't want anyone to get caught up in anything. Dick stated we need to move out of the past and accepted full responsibility for signing the contract, in the future no contracts will be signed by him without complete staff work. Dick asked how we move forward. Kevin has met with the truck committee again and they are responsible for finding the truck with the most value for a purchase for under \$525,000, it does not say there can be no pre-buy and it does not give terms. They have found a truck for a larger value than \$525,000 for a cost to the town of \$525,000. Kevin stated if the contract was read it was all there; he had no intention of that contract being signed and apologized that this has happened.

Whit simplified this by asking Amy if the 2.5% rate is fixed for the life of the loan; Amy answered yes. Whit then stated we will not do any better with USDA and might as well go through Mascoma.

Kevin said the fire department will work on the signed contract removal, but we need everyone on board so they can contact the dealer as the date is coming up. Amy asked the deadline for that; Jack stated fifteen days from a week ago Saturday. Whit stated the contract was signed by the town and they then notified them that it was improperly signed before Garth Brooks signed it. There was not a completion of the contract. To speak to that Amy stated if it's a contract obligating the town to something it needs to be done in public session with all three Selectmen present and it needs to be done at the same time the Board is voting to enter into a loan obligation to pay for the truck; that didn't happen and it needs to happen. Jack asked if it would make sense to have the representative from Desorcie to come to the selectboard meeting and ask to execute the contract and absolve the last contract completely at that time. Dick feels we need assurance we will have this loan first. Amy is 100% sure the town will be granted this loan. Ken asked the criteria for establishing the loan through Mascoma, what funds will be guaranteed with them. Amy said the rate with Mascoma is a 2.8% fixed interest rate for the term of the loan, which right now is fifteen years. If we have deposit accounts with Mascoma the rate drops to 2.5%. Amy also stated there is no penalty for prepaying on the loan.

Poul made a motion to go ahead and pursue the loan with Mascoma Bank under the terms Amy laid out, 15-year loan currently at 2.8%, as well as have the representative come for the signing, and we can sign it off and get rid of the old contract. Whit asked if we could start at 2.8% then if we decide to put money in a deposit account can we adjust the rate of the loan to 2.5%; Amy said yes. The motion was seconded by Dick. Poul, Dick and Amy voted in favor of the motion. Dick asked if there was any objection to signing a request to proceed with the loan application and underwriting process. There were no objections, Amy signed the document.

Amy said the Board will need a clean contract, then a vote in public session to accept that and go from there. Dick stated the Board will get the Fire Department an answer on the loan as quickly as possible. The representatives of the fire department thanked the Board for their time and informed them that Pete, Kevin or Jack can be contacted, and they will get it taken care of.

Jim Bednar is before the board to discuss the liability issue for volunteers to work on the barn for the Historical Society. There was some discussion last meeting of liability and a waiver of liability for volunteers. On behalf of the historical society Jim wanted to state that he thinks it is a serious problem as this town depends on volunteers. He feels to ask volunteers to come forward with possibly homeowners' insurance in order to participate in a barn raising is too much. Jim spoke with Habitat for Humanity about what they do for their volunteers; they have a waiver of liability that is signed by the volunteers and kept on file. Jim questions why Springfield has to not allow a waiver similar to that and is fearful of the implication if we go down a path where you are asking volunteers to take another extra step. Dick had a discussion with Primex, the town's insurer and asked if a waiver would be sufficient. The answer Dick received was a waiver is not worth the paper it's printed on. The risk manager sent Dick a long email with several options on how you might want to proceed. It is the opinion of Primex that volunteers should be painting or picking up supplies, they shouldn't be swinging hammers. Mike asked if the insurance company provided a list of approved and disapproved tasks for volunteers. There was a general statement of doing light work. Poul will review the Primex email with Jim. Tamara asked if Jim could come up with a list of tasks that the volunteers could possibly do, with that Dick can call Primex and tell them what the historical society intends to use volunteer labor for and see what they say.

Direction of Short-Term Rentals:

Poul Heilmann and Tim Bray made a presentation on how they feel the process of short-term rentals should work; this is a preliminary thought of coming up with a process for these situations. Poul stated the big challenge is defining what constitutes an STR and/or a business. They have put together a preliminary checklist. Whit has been using a checklist of questions we ask the landlords about, Poul feels that needs a bit more embellishment and direction, but it is pretty solid as it stands now. Poul stated we need to identify, create and implement a consistent approach. Process mapping gives us consistency in terms of how we execute this. Poul uses something called MOST; Mission, Objectives, Strategies, Tactics and they are all linked in.

- Mission: is to maintain the spirit, neighborly and cooperative nature of Springfield.

- Objective: STR policy and procedures that enable the town to approve STR's so to avoid degrading the surrounding neighborhood and lowering the quality of life for residents of our rural town.
- Strategy: Create a clear process to review, assess, qualify and determine compliance with town definitions and enforcement of STR business operations in a consistent and fair manner with and across instances.
- Tactics: 1. Develop a (streamlined) process for decision and enforcement of STR policy.
2. Create a checklist and scorecard to capture and define STR business determination.

Tim Bray stated as far as process the one he is most familiar with is DMAIC (Define Measure Assess Improve Control).

- Define - Definitive answers will be required; what defines your project, what is/isn't in the project. The Board of Selectmen, Zoning Coordinator, Zoning Board of Adjustment and the Planning Board all need to be at the table; all of these individuals are going to be involved in processing these applications through to a successful endpoint.
- Measure – what is the current state, what do we have right now.

The discussion of the planning board then became that they have a site plan review checklist they use, which is adequate to be used for short term rentals. The question is does the planning board expand this list to play more of a role in this or do they use what they have now which is the ZBA. The ZBA specifies they have the responsibility of looking at how many guests can be on the property, parking, extents of use, those kinds of things. It's a matter of the Selectboard deciding which board is going to do what and in what order. That is where Poul's process mapping will help. The more documentation we have that we've used a precise process and asked everyone the same questions and used the same yardstick will put us in a good position. Tim believes there is enough in the ordinance now to complete the process, it's just defining it and spelling out how we are going to do it.

- Assess is the next step in the DMAIC process, and Tim feels after we do a few of these we there should be a meeting where the boards get together to discuss what worked and what didn't work.
- Improve- make those improvements to the process.
- Control – where you come back and look at the process and say is this a sustainable process, is it going properly or has it degraded somehow.

Poul feels if the ordinance is going to allow short term rentals the following are some of the issues we should be considering; limit on number of units per property; limit on guests per unit; limit on number of days per year units can be rented; owner occupancy requirement; do the people need to be a resident. Through research Tim and Poul found there has been a lot of discussion where other townships have a residency requirement. Poul stated this is really a start to identifying all those issues that would be further revealed, discussed deliberated and agreed to in terms of how we define what would be guardrails on what we want to do. The other one is profit; is it just consideration or is there a profit motive; how do we define that.

Mike Howard feels a simple way to take care a lot of the issues to require owner occupancy. Tim Bray stated you can do that, and it really is the most restrictive form of this, and it is a consideration but is it what the town wants. Tim Bray said it was explained to him that the town does not have a right to say that we will not allow short-term rentals, but the town does have the right to regulate how we do short-term rentals.

Susan Chiarella asked if this is regulated, where will it be written. Tim Bray stated what we have right now is already in the ordinance under guest facilities; we also have other mechanisms under general provisions like obnoxious use and limiting off-site parking which could help regulate/enforce this process that is being discussed. Tim added that this process is a way of helping the boards try to figure out how to approach this and be consistent with each person. Susan feels this needs to be written and published so people can see what the rules are; she feels it needs to be in the ordinance and voted on. Ken disagrees with that; a big step was taken in establishing the guardrails of operating a guest facility with Wonderwell; life-safety, handled by the Fire Department or Fire Marshall, issues were all addressed when Wonderwell came through. Susan stated if you are wanting to say that a short-term rental has to be owner occupied that has to be written in the ordinance. Tim Bray referred to RSA 674:43, which states that the Selectboard can designate the planning board to seek counsel of professionals to make those kinds of evaluations. Meaning all they would need from the selectboard is a statement of change by ordinance or resolution.

Tanner Jacques and Mike Howard agree that we need to move forward on this and work with what we currently have in place in our ordinance. Dick feels we have these current two applicants go to the Zoning Board as planned. Susan Chiarella said they will continue to focus on their standard five criteria. The Board thanked everyone for their time and comments; this discussion will continue as the boards move forward.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, April 25, 2022.

Application for Permit – APPROVED

1. Marcy Makris, 4134 Main Street (Rte. 114) would like to have a shed (8' x 12') placed near the end of her driveway. Zoning coordinator has been to the site with Tim Bray, Chair of the Planning Board, who is experienced in identifying wetlands. We measured from the edge of wetland behind Ms. Makris' house and determined that the proposed location for the shed is not within the 100' buffer for designated wetlands. There are no setback issues, and the shed will be less than 35' tall. Zoning Coordinator observed no home business or commercial activity. Zoning Permit approved per delegation of authority.

2. Town of Springfield Zoning Permit to build on *town property* near the Meeting House (43 Four Corners Road) a Barn/Shed (construction by volunteers for the Historical Society). This is a "non-governmental Use." Permit Application prepared by the Zoning Coordinator and submitted to the Select Board for review. There are wetlands issues, and the structure will be less than 35' tall. Setback issues addressed by Variance from the ZBA (previously reported). Zoning Permit approved per delegation of authority.

Other Matters.

A. Meetings with representatives of owners operating short-term rental of guest facilities businesses.

B. Call from property owner concerned about action taken by trustee of land trust.

C. Review “white paper” produced by Granicus regarding actions by municipalities with respect to short-term rental of guest facilities.

D. Attend Planning Board meeting.

E. Inquiry regarding weight restrictions on George Hill Road. Referred to the Road Agent.

F. Prep for paralegal visit per 91-A Right to Know request. (McKelvy)

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Dick has a concern with item #2, which mentions there are wetlands issues. Dick believes this is a typo as there are no wetlands issues on this property.

Dick also asked where the property mentioned in item B is. Tamara stated she believes that is a piece of property that was purchased at the end of Philbrick Hill. Whit was unavailable to answer questions as he had to leave the meeting before we got to his report.

Minutes of April 11, 2022:

Dick made a motion to accept the minutes of April 11, 2022 as written. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

Court Status:

No changes in court status to report.

Unfinished Business:

Amy will follow up with Mascoma Bank tomorrow regarding the loan for the fire truck.

Poul shared there will be a sand shed group meeting on Thursday.

Dick shared that the beach committee would like to be on the town website. The committee is also requesting permission to apply for a grant. After discussion the Board agrees to allowing their committee to be listed on the website and to put the grant application on hold until there is more information provided.

Dick submitted the final documentation to the GOFERS office for the 90/10 grant for the cruiser; it came to \$51,898, 90% of that is \$46,708.20. In Dick’s understanding, since the original grant was \$50,000 or 90% of what you spent, meaning we should have \$3291.80 left over which has been offered to Lydia for the Fire Department.

Dick stated that a decision needs to be made regarding the Ramsay property. Dick made a motion to declare her property a business and will have Whit inform Heidi Ramsay of this decision. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

New Business:

Amy stated the beach committee is looking into a grant from the NH Charitable Foundation. The committee is able to use the town's EIN to apply for grants. The committee will be meeting again on May 5th.

Amy informed the Board that we are in need of a replacement raft for the lake. The raft that is further out is in poor condition and the Fire Department will not put it back in the lake. Susan Chiarella offered to donate her raft or to do research on replacement rafts. Dick stated if the raft is acceptable, she can donate it to the town. Tamara will contact Susan.

Board and Department Updates:

Amy announced the voting results for the Fire Department. The usual crew were re-elected to their positions. Raymond Abair is still the EMT/Rescue captain. They are planning a paint ball team building day which they have done in the past.

Tamara announced that Ian MacMillan has volunteered to be the town's emergency management director.

The first meeting of the Cemetery Commission is May 10th, Dick will be attending that.

Dick stated at the library meeting they will be discussing the auditors concern of having a debit card instead of a credit card.

Correspondence:

Quote from Paradigm for fix the post that the septic pump is connected to. The Board decided not to act on this for the time being.

Signatures:

Intent to cut
Veteran's exemption
Yield Tax
Cemetery Deed

Dick made a motion to adjourn the meeting. The motion was seconded by Poul. Dick, Poul and Amy voted in favor of the motion.

The meeting was adjourned at 6:35 p.m.

Jill Hastings
Deputy Administrative Assistant