

BOARD OF SELECTMEN

April 8, 2024

MEMORIAL BUILDING

4:30 P.M.

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

Selectmen Present: Poul Heilmann, Chair; Amy Lewis, Vice Chair; Steve Dzubak

Others: Jim Yager; Tim Bray, Zoning Coordinator/Health Officer; Neal Huntoon; Jen Roberts; Ian MacMillan; Kevin Roberts

Poul wanted to note that today was the eclipse day, believes the next one to be in 2054. We had 97.8% totality at 3:28 pm.

**Scheduled Appointments:**

Our scheduled appointment with a representative from RSVP Senior Program has been pushed off to April 22<sup>nd</sup>.

Jim Yager talked to Tim Hayes, road agent, about putting a culvert in on a Class VI Road and was informed to speak with the Selectmen first. The culvert would be placed on Pettengill Road, which goes over his property; Jim would be doing the work himself. Tamara informed the Board that since it is a Class VI road all Jim needs to do is inform them he is going to place this culvert. Tim Hayes would work in an advisory role in this situation, nothing more; he may have suggestions or requirements on the size of the culvert but would not perform any of the work.

Steve asked how this impacts someone else who has property behind it, or does it not. That Class VI road is the only access to the property that just sold last week. Jim stated installing the culvert should take four hours; that would be the maximum duration of closure. Tamara thought notifying the property owner would be helpful. Jim also realizes that the road is closed to vehicle traffic; Tamara stated that does not impact people who own property on posted roads. Steve also questioned the wetlands in that area. Jim has spoken with DES. They are setting up an agent to come out to the property and also NRCS engineers have been out to the site, they are developing a print. Jim also added that wetlands have been delineated and located there. Jim stated the planning board has information that pertains to the area. There was some discussion about how Jim may find contact information for the new property owner so he can contact them about the culvert work.

Jim noticed tomorrow the town is tax deeding properties; he asked if we post what properties are being deeded. The Board answered no, that is between the town and the individual property owners. We are not to the point of property sales yet; if we get to that point those would be posted. If the Board decides to auction off the properties we acquire then we move to posting, but we are several years away from that process. When we have an auction we publish all that information, typically in the Valley News and Kearsarge Shopper as well as the town website.

**Zoning/Health Officer Report:**

**REPORT: ZONING COORDINATOR** *Select Board Meeting, Monday, April 8, 2024*

**Applications for Zoning Permit – APPROVED**

Hausmann, David & Janet, 323 Messer Hill Rd, application to construct a 32' x 32' storage barn on 8.41-acre lot. Barn was staked out by applicant for site inspection.

There are no setbacks or wetlands issues, and the barn will be less than 35' tall. No business or commercial activity observed, and the applicants have represented the same on the application.

Tourin-Twombly, 283 Twin Lake Villa Rd. after-the-fact application to install a 14 KW standby generator. There are no setbacks or wetlands issues. No business or commercial activity observed, and the applicants have represented the same on the application.

**Other Matters**

House Bills 1291 and 1400 concerning “accessory dwelling units” (see handout at 4/8 BOS Mig)

**REPORT: HEALTH OFFICER** *Select Board Meeting, Monday, April 8, 2024*

**Applications -APPROVED**

None

**Other Matters**

*Received by email, a DES Approval for Construction of Individual Sewage Disposal System (ISDS) for a 3-bedroom house at 3133 Main St. (previously Huntoon). The design was by Micheal Carbonneau (Littleton) for Dmitry Feoktistov. No local approval from the Town Health Officer was issued for this replacement system.*

**Actions:**

Septic designer, Carbonneau was contacted to discuss approx. 50' setback of dug well to ISDS and drainage problems on .75-acre lot. Waivers unlikely by Springfield BOH. Agreed to place location for drilled well on-site plan outside 75' buffer.

Applicant, Feokistov was contacted to inform him of the need to hire an LLS to verify lot corners and need to construct drilled well outside 75' buffer from ISDS. The applicant agreed and is proceeding with those plans.

Respectfully submitted,

Tim Bray

Zoning Coordinator / Health Officer

<<April 8, 2024>>

Tim Bray reviewed his report with the Board. In Tim's report he noted a couple of House Bills that were just passed; both involving accessory dwelling units (ADUs). Tim will email the

information along to the Board for them to review the House Bills. Tim stated what these House Bills are about is the state having more control over housing. HB1291 is looking to allow two ADUs on each piece of property; this would have a profound impact on the town if the Senate approves that. This is something for us as a town to watch closely because it also ties in with the short-term rentals. Poul asked if there was language in the House Bill about short-term rentals; there isn't. The intent was to open up housing in NH, in turn this also opens up the possibility of short-term rentals. There is no language excluding short-term rentals from these House Bills. These House Bills also increase the size the ADU can be as well, which would override what the town has, which is 750sqft. The Senate may modify these Bills or deny them, but there seems to be a trend to approve these things and take it out of the local control. Something to watch for.

Tim reviewed the situation on Main Street and the DES approval for the construction of a septic. Tim has been in touch with the owner and contractor, and they are working on complying with the town's regulations. Tim stated we will not issue a local permit until the septic and the well are set, and they have contractors for that, and he fills out a well permit which will trigger us getting the well results and make sure everything is good there. Poul made a motion to accept the report of the Zoning Coordinator/Health Officer. The motion was seconded by Amy. Poul, Amy and Steve voted in favor of the motion.

#### **Minutes of March 25, 2024:**

Amy asked if there were any updates on the short-term rental on Main Street. Tamara received a voicemail Thursday afternoon from the property owner on another matter, likely had not received the letter yet as it had only been mailed on Wednesday. Tamara will hopefully have an update by the next meeting, as this is letter number three. Steve made a motion to accept the minutes of March 25<sup>th</sup> as written. The motion was seconded by Amy. Steve, Amy and Poul voted in favor of the motion.

#### **Unfinished Business:**

- a. Personnel Manual – The Board all agreed the updated policy looked good. Poul made a motion to accept the updated personnel manual. The motion was seconded by Steve. Poul, Steve and Amy voted in favor of the motion. Amy will finalize and print the manual.
- b. Revaluation RFP Status – No updates to report. Tamara will invite George Hildum to the next meeting on April 22<sup>nd</sup>.
- c. Short-Term Rental – Compliance with Local Requirements and non-compliance penalty/fee discussion – The door is open again for people to go through the approval process. A letter was sent to the property owners on Main Street and Woodcrest. No response received to date; the letters were mailed out last Wednesday. Poul would like to give them two weeks to respond.

The question for consideration is that we have not taken an aggressive approach with anyone and Poul would like to consider having penalties or fees start to apply especially if we are sending three letters and getting no reply. After some discussion, Amy recommended, going forward, the first two letters go regular mail and the third letter go out certified with a return response requested. Poul was considering a penalty fee of \$100 per day, or something to that effect. If people are given the chance to go through the approval process, which is a requested process not only by us but also by Airbnb and VRBO, Poul doesn't think it's too much to ask. The potential effects down the line are having to take someone to court. Attorney Johnston would have to be consulted before doing anything. Springfield has no policy drafted on this matter. We have only two property owners who are not in compliance, out of fourteen or fifteen.

Steve stated he is in support of the penalties and fees, the question is what our remedies are and how we approach it, which is a question for Attorney Johnston. Amy stated rather than the Board trying to draft something to send to Attorney Johnston, start with her to see if she has written policy for matters like this. There was discussion surrounding policies, cease and desist for short-term rentals that are not in compliance with the town; just trying to determine the best approach which are all questions for Attorney Johnston.

Poul suggested having a conference call with Attorney Johnston to discuss these questions, explaining the direction the town would like to go and seeing what her guidance would be. Steve suggested contacting Airbnb and VRBO about getting Springfield listed on their websites explaining what is required to follow local town regulations. The Board agrees it is a good idea, but also feels this is a good question for Attorney Johnston first. Poul stated the things to discuss with Attorney Johnston are Short-term rentals, contacting Airbnb/VRBO and the noise ordinance versus regulations.

- d. Grader Update – There have been several meetings, emails and discussions about the grader and reviewing the options. One thing the Board agreed to do, out of the Highway budget, was to spend a little bit of money for Neal Huntoon and Chuck Fay to open up the head of the engine to see what the condition was, whether it was a quick fix or a bigger issue. Neal stated that he and Chuck did this task over the weekend and found that it was a bigger issue; it needs a total rebuild. They can't determine what exactly is wrong without pulling it apart completely; it's building pressure in the crankcase. Currently, these are the scenarios the task force is investigating, or that may come up:
1. Winmill Company – purchase refurbished grader for \$132,000; this would include the trade-in of ours which would be about \$15,000.
  2. The opportunity to rebuild our grader for about \$100,000.
  3. Two graders up for sale later this year from Canaan and Newport. We are investigating the condition of those graders.

4. The possibility of renting or leasing a grader or hiring a contractor, who Neal knows, in the meantime.

All of these scenarios are on the plate right now. There is a sense of urgency to having something in the next several weeks, which may give us the time to look at the other scenarios. Neal informed the Board they will be inspecting the brakes on our grader tomorrow. Neal spoke with a private contractor in Norwich Vermont, he grades for Lyme, North Haverhill and several other towns. He has two graders of his own and it would've been perfect; 1400 hours for 10 hours a day coming out to \$140 per hour. Unfortunately, he is already booked for the first part of the season. This is the risk of contracting out. Neal stated he mentioned to the contractor that if he has a two- or three-day window open and could come and do a couple of roads that might be something the town would entertain.

Steve stated in the email conversations there were questions on whether the refurbished grader would fit in the bay because Kevin thought it might be wider. Jen is unsure Kevin found anything definitive. Steve also asked about the discussion to swap the tires on our grader on the other grader. Neal stated it wouldn't be wise to swap those tires. Neal spoke with John Deere today and they have a grader coming in, that's brand new that they lease out, Neal asked if they would hold it for two or three weeks if we made the decision to lease/rent; they would hold it for us so that is an option. Tim Hayes spoke with Chichester today and they also have a grader they can rent. This gives us two rental options right now.

The John Deere salesman Neal spoke with said a grader is coming in from another town, his thought is it would work well for Springfield. They are getting rid of it because they lease it. A lot of towns are moving towards leasing graders. The CAT salesman will be getting back to Neal or Tim. The price of the graders in Canaan and Newport are in the \$30,000 to \$50,000 range to purchase. Steve asked if the grader from Winmill is on hold for us or if it's available for purchase from anyone. Neal is not under the impression that it is on hold. Neal's personal opinion of our grader is that our grader is 30 years old, the one in Winmill is 31 years old. Granted, it is refurbished, but \$130,000 or \$140,000 for a 31-year-old machine that they don't make anymore and parts are getting harder to get. Neal would rather spend \$70,000 or \$80,000 for one that is 10 years old and is still currently being made and comes with field service. Poul explained this is why the task force is given the responsibility to come to the Board with a recommendation. There are many options out there; there will be more to come.

Steve asked if we have a plan if no decision is made and we need a grader. That is what the task force is working on. The option right now is if we had an emergency and had to have a grader we could call and make an immediate rent. Steve expressed the concern of the lack of available equipment. As of now, we know of at least two to rent. Poul stated that is why there is a sense of urgency to come to a short-term and long-term solution.

Kevin Roberts arrived and added that the refurbished grader will fit in the bay. The width of the grader is the same, it is just heavier than our current grader. We will wait for an update after the next meeting which is sometime this week.

**New Business:**

- a. Noise Ordinance – Poul spoke with Dan Saulnier. The planning board has done the paperwork for moving it from an ordinance to a regulation. It was decided that at the next planning board meeting there would be further discussion about that. Having Attorney Johnston's input will also help inform that discussion.
- b. Transfer Station – Through talking to people Amy was able to determine that Grantham stopped accepting from other towns as part of a state requirement; it was mandated, likely because of the landfill being full. Amy will try to get a confirmed answer, possibly from someone at the solid waste department. Steve has been in touch with Angela regarding our contract with Sunapee; he has not gotten a response back yet. Tamara has not been able to locate anything either. Tamara was asked to contact Janet Roberts about the contract with Sunapee; maybe she has some history on the subject. There was some discussion on our relationship with Sunapee and other options that have been investigated in the past.
- c. People in Need – Poul thanked Ian MacMillan for attending the meeting for a discussion on people in potential need. Ian stated there was a list that was partially assembled; information went out to people in town stating if you need assistance during the event of an emergency someone from the town can contact the resident to see if assistance is needed. Ian located the paperwork from that. There is a partial list and several forms completed by residents. Ian is unsure if the list is old or new, and it may have been used for the beginning of a newer list.

Ian stated he unintentionally threw the Board under the bus online. Someone addressed this topic on Facebook and Ian had stated that the Selectboard and town administrator is going to address that. After re-reading Poul's email, he realized that wasn't what Poul said; it was stated it would be addressed at the meeting. At that point Ian went to the firehouse looking for the paperwork and after locating it called every number on the list. No one was assigned to do this. Poul knew that Lydia had started the list and was spearheading it. Poul said there was no clear process created of who was in charge and who would manage it.

Poul would like to work on creating that process, who will oversee it and how we will manage this list. Ian stated it was first put to him after he was named the Emergency Management Director and he stated he had some concerns about legal issues in case someone says the coordinator didn't do what they should've done in their opinion. Ian had asked if Attorney Johnston could review it and give a recommendation on whether

this is or isn't something we should do. Ian doesn't believe we ever got that recommendation. This is something we should investigate to make sure we aren't opening ourselves up to any liability.

There was discussion around the forms and the content of the forms. Initially, the forms could be obtained at the town office and when completed they were put in the Fire Department mailbox. These are likely the forms Ian located in the file. There is no language on the form releasing liability. Ian shared the folder with the Board. The Board reviewed the list in the file. Tamara shared a list that Pixie started, which is just a list she came up with of people in town who may need assistance during an emergency. Ian provided a list that appears to be made up of a combination of old names and then some of the information from the returned forms.

Ian contacted every phone number that he had, didn't get everyone, but left messages. Amy asked if a form could be filled out on the website rather than trying to keep track of the loose papers. Tamara directed Amy to the Police Department page on the website, she believes a form may be there. Jen asked if these check-ins would be the Fire Departments responsibility because they would likely be busy with other emergencies. The Board is unsure who the proper person is to oversee this.

Ian added that Dallas Patten will not run for Fire Chief. The elections are tomorrow, assuming the department votes him in, Ian will be Chief of the Fire Department. This will open the position of Emergency Management Director.

There was further discussion on the list, which is just a good-hearted list of names of people to be checked on, not necessarily people who signed up to be checked on. Tim Bray feels the list should be verified before the emergency by contacting these people to see if they want to participate in this service. There was continued discussion on how this process could work. Tim Bray feels this could fall under the umbrella of the health officer, to maintain the list and keep it current and contact these people during an emergency. The only recommendation Ian has is to make sure we aren't exposing ourselves to any liability. The Board will discuss this with Attorney Johnston.

Poul feels, that even though we have all this information already, we need to start from scratch; create a form, create a reach-out. There was some discussion on how this process may be activated in the case of an emergency. Ian never officially activated an emergency, he just put it out there if people were in need to contact him and he could open up the firehouse as a warming station. Ian stated he had two people reach out to him after making the Facebook post; both with general inquiries, no one in need of assistance. The people Ian did contact, he reached about 75% of them, all said they were fine. He spoke with someone who stated they had no phone, internet or heat, but was fine. Jen stated this person has someone who plows and checks on them and they were

fine. Poul stated going forward, though they will reach out to Attorney Johnston, it would be beneficial for the Board to brainstorm it and lay out a process.

- d. Culver Technologies – A quote for technical support was received from Culver Technologies. Poul received the quote and Tamara will forward it to the remaining Board members. In terms of the pricing, it is about what we spend currently so there is no major savings. The significant piece of it is service should improve greatly because they are located in Sutton. They come with many recommendations. Poul provided a bit of background as to why this was being researched. The Board will review the quote and discuss it at the next meeting. We have a 90-day notification requirement to get out of our contract with CCS.

#### **Legal Status Update:**

The Kazenas hearing has been pushed off to an undetermined date.

#### **Board and Department Updates:**

- a. Agricultural Commission – No updates to report.
- b. Buildings/Grounds – No updates to report.
- c. Cemetery – Steve is unable to attend tomorrow's meeting; Tamara will sit in for Steve.
- d. Conservation Commission – Conservation was supposed to meet last Thursday, but it was rescheduled due to the storm. It will be Thursday the 11<sup>th</sup> at 7:30. Steve will not be able to attend. Amy has offered to sit in for Steve at the meeting. Tamara emailed Erin Meding because she found that every seven years the town is supposed to do perambulation of the town lines and from what she has found the last time this was done was 2013. In the past it has been the Conservation Commission to do this. Tamara has a thumb drive with the most recent information. Amy asked Tamara to email that information to her before the meeting so she can address this at Thursday's meeting. Steve stated this sounds like a good task for Conservation.
- e. Energy Committee – No updates to report.
- f. Fire Department – Their elections are tomorrow.
- g. Highway Department – No updates to report.
- h. Library – They met last week and have a new member, Sally Barker. The Healthy Soil presentation was rescheduled to April 13<sup>th</sup> at 10am
- i. Planning Board – They meet at the end of the month.
- j. Police Department – The old cruiser is gone. The new cruiser was registered today and has its license plates on it. The Board sees no issue with Chief Zullo using the new cruiser for commuting. They will be down to one cruiser for four months while the new one gets outfitted.
- k. Recreation Committee – The Easter egg hunt went well, they had a very good turnout. They had one family come down from Portland Maine for their little girl to meet the Easter Bunny. They were very thankful for the day. When the snow melts there will likely be egg pieces to pick up. Jen spoke with Tim today to let him know they weren't



leaving the bonfire rubble. They will take care of it when things dry out. They have secured a speaker, Josh MacMillan, for the Memorial Day ceremony. They plan to serve refreshments at the meetinghouse after the ceremony.

- l. ZBA – They met last Tuesday and had one hearing scheduled. The applicant opted to postpone their hearing until the May meeting so they would have a full Board.
- m. Administration Update – Tamara is working on drafting a purchase agreement to have on file when needed. This is something that was requested when Chief Zullo did a grant. A lot of veterans' tax credit applications have come in. Today Tamara called Irving to check on oil deliveries. The meetinghouse is low, and the historical society is holding an event there this Saturday. We will receive a delivery at the Meetinghouse and the Highway Garage on Friday of this week.

**Correspondence:**

None

**Signatures:**

Veteran's Tax Credit Application  
Claremont Septic Agreement  
Town building rental request

**Miscellaneous Business:**

Tamara announced that Josh Worthen is no longer able to be our Deputy Health Officer and perform our water tests. There was a lot of discussion on ways to work around this. Tim Bray stated he was prepared to do this when he accepted the position of Health Officer. Tim will think about a Deputy. Tim believes the state tests the water at the beach, but he will check on that.

At 6:19 p.m. Amy made a motion to enter non-public session per RSA 91-A:3(II)(e). The motion was seconded by Poul. By roll call vote Amy voted aye, Poul voted aye and Steve voted aye.

Poul made a motion to exit non-public session at 6:33 p.m. The motion was seconded by Amy. By roll call vote Poul voted aye, Amy voted aye and Steve voted aye. Amy made a motion to seal the minutes under RSA 91-A:3(II)(e). The motion was seconded by Steve. By roll call vote Amy voted aye, Steve voted aye and Poul voted aye.

Meeting adjourned at 6:34 p.m.  
Jill Hastings

Deputy Administrative Assistant