

**Selectmen's Work Session and Selectmen's Meeting
Monday, April 1, 2024**

These minutes were transcribed by Angela Eldridge, Secretary. Selectman Brian Keyes was in attendance, Selectman Jonathan H. Smith was in attendance, Selectman Susan Simpson was in attendance, Matthew Sawyer Jr., Town Administrator, and T.J. Eldridge, Public Works Director, were also in attendance. The Work Session was held in the upstairs conference room. The Selectmen's meeting was held in the Bub Avery Gymnasium at Town Hall.

Selectman Jonathan Smith called the meeting to order at 3:00 PM.

Roll Call: Brian Keyes, Jonathan Smith, Susan Simpson.

Non-Public Session 1 and 2:

Smith made a motion to enter a non-public session 1 under RSA 91-A:3, II (c) and for session 2 under RSA 91-A:3, II (d) at 3:00 PM. Keyes seconded. Motion passed. Roll call vote was taken. Keyes answered yes. Simpson answered yes. Smith answered yes. At 3:33pm Smith made a motion to reenter the public meeting. Simpson seconded. A unanimous vote was taken. Motion passed.

Smith made a motion to seal the Non-Public Minutes for Session 1 and session 2 under RSA 91-A:3 II (c) and RSA 91-A:3 II (c). Simpson seconded. A unanimous vote was taken. Motion passed.

Discussion:

The Board received a Water & Sewer Warrant in the amount of \$158.90 for 76 Main St. Smith made a motion to approve. Keyes seconded. A unanimous vote was taken. Motion passed.

The Board received 5 Clerical Abatements. Map 073, Lot 139, Sub Lot 007. The camper was registered for the 2023 season. The abatement amount is \$226.00. Map 073, Lot 140, Sub Lot 029. The camper was registered for the 2023 season and there was an error on the shed. The abatement amount is \$305.00. Map 029, Lot 001, Sub Lot 382. The camper was registered for the 2023 season. The abatement amount is \$233.00. Map 023, Lot 007, Sub Lot 210. This property was taken after April 1st, so it needed to be made exempt after the final tax bill. The abatement amount is \$79.00. Map 136, Lot 023, Sub Lot 013. This property was taken after April 1st, so it needed to be made exempt after the final tax bill. The abatement amount is \$262.00. Smith made a motion to approve these. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received a Notice of Intent to Excavate for Map 130, Lot 10. 90,000 cubic yards. Taxes are paid. Map 266, Lot 007 for 845,000 cubic yards. Smith made a motion to approve these. Keyes seconded. A unanimous vote was taken. Motion passed.

The Board received a Notice of Intent to Excavate for Map 231, Lot 001. 6,000 cubic yards. Taxes are paid. Smith made a motion to approve these. Simpson seconded. A unanimous vote was taken. Motion passed. This was a supplemental intent.

The Board received a Notice of Intent to Excavate for Map 231, Lot 001. 6,000 cubic yards. Taxes are paid. This is the original intent. Smith made a motion to approve these. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received an Elderly Tax Exemption Recertification for Map 216, Lot 005. The assessor advised that he meets the qualifications. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received a Veteran's Credit Application for Map 085, Lot 004 and Map 223, Lot 007. Both meet the qualifications, so the assessor recommends granting both. Smith made a motion to approve. Keyes seconded. A unanimous vote was taken. Motion passed.

The Board received a Charitable Recertification for Lakes Region Humane Society, Map 127, Lot 009. The assessor recommends granting as they have met the qualifications. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received a Religious Exemption for Crossroads Church, Map 018, Lot 010. The assessor recommends granting as they have met the qualifications. Smith made a motion to approve. Keyes seconded. A unanimous vote was taken. Motion passed.

The Board received a Religious Exemption for First Free Will Baptist Church, Map 263, Lot 003. The assessor recommends granting as they have met the qualifications. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received an application for Current Use Assessment for Map 261, Lot 012 and Lot 016. The assessor recommends granting as they have met the qualifications. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received a Veteran's Credit Application for Map 236, Lot 004. It meets the qualifications, so the assessor recommends granting it. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received a letter from the Conservation Commission requesting to reappoint Ralph Buchanan to the Conservation Commission for a 3-year term. Smith made a motion to approve the request. Simpson seconded. A unanimous vote was taken. Motion passed.

The Board received the CCA Plan that was passed at Town Meeting. Smith made a motion to approve the final Town of Ossipee Choice Aggregation Program and to make Matt Sawyer Jr. the liaison for the committee to authorize the submission of the plan to the PUC. Keyes seconded. A unanimous vote was taken. Motion passed.

Meeting Minutes:

Smith made a motion to approve the minutes from the Selectmen's Work-Session which involved 2 non-public sessions, held on 3/26/2024. There was no other public input in this meeting. Keyes seconded. A unanimous vote was taken. Motion passed.

Chairman Smith made a motion to recess until 4:15PM. Keyes seconded. Motion passed. The motion was made at 3:44 PM.

Smith reconvened the meeting at 4:15 PM.

Smith opened the meeting with the Pledge of Allegiance.

Reminder: Smith took a moment to remind everyone about the Selectmen's Meeting Public Input Policy that was instituted a year ago. Public Input is a privilege and not a right at a Selectmen's Meeting. There are guidelines. Smith advised them to state their name and address the Board as there is no back and forth between audience members and there is a 5 minute limit. There are no limitations on topics. He asked that everyone follow the rules. Smith also mentioned that public input is not a Q&A so questions may be asked but not answered at that time.

Public Input:

Robert Bowie mentioned that at Town Meeting people asked about changing the Selectmen's Meeting time to 6pm. He asked if the Board would be opposed to that and if it did happen, he asked how the people of town would be notified of the new time. Smith advised that the meetings are posted on the agenda in 2 public places with the time, meeting notification requirements. Bowie said the legislative body is asking this of the governing body. Smith said the legislative body exists at Town Meeting and not at a Selectmen's meeting. It will be taken under advisement. Discussion ensued.

Bob Gillette gave praise regarding the proposed Rail Trail, discussing recreational opportunities and being able to draw people to this town. He also congratulated the Board, T.J. and Matt for finishing the Covered Bridge. Gillette mentioned that at the last meeting it was mentioned that the Main Street Program was defunct, and the Board rescinded the \$2500 promised to them from Town Meeting. He doesn't believe this is correct. He mentioned that every organization needs to revitalize itself and that's what is happening for the Main Street Program. Pat Jones has devoted decades of her life to the town as President of the program. Lynne Clark is the new President, and he is sure she would appreciate an opportunity in a public forum to set out her ideas. He also mentioned that there are conflicting facts regarding the dilapidated building because the building is shown in good condition on the tac card and it has a value of \$181,600. Discussed there may be a better way to add parking to town. He proposes that when there is a decision with conflicting facts, the best way to resolve is to hold a public hearing. Discussion ensued.

Joy Gagnon agreed with Mr. Gillette. She said that the Ossipee Round Table would have been a good place to ask if a group is defunct as they work with a lot of programs. She mentioned that maybe the building could be of use as a public bathroom. She also mentioned that it is disappointing that the Board made a decision that was against what the voters wanted. Discussion ensued.

Selectman Smith mentioned RSA 91 and the 11 categories of non-public discussions. He advised that a lot of information regarding this issue that was dealt with in a non-public session, and the public is unaware of this. That is the law, and they have to follow the law. These decisions are not easy. Discussion ensued.

Joe Deighan mentioned that RSA 91 involves personnel issues, talking to lawyers, etc. and it does not include taking down buildings. He mentioned that everything needs to be out in the public regarding warrant articles unless it's a purchase of a building. He asked if they had discussed this with DES and he also had test pit concerns. Discussions ensued. Smith advised that under 91A-C it gives the Board the authority to discuss what we've discussed in the non-public. Smith also advised that DES will be contacted. Discussion ensued.

Lois Sweeney said that the Main St. building may have had some work done by the Town but most of the work was actually done by volunteers for the Main St. program.. Discussion ensued.

Suzan Doyle mentioned that at the meeting held on Feb. 5th the Board mentioned 2 articles not being in on time. Articles 38 & 39. Both went to the town for a vote and were voted in. She asked if both of those articles were being withheld. Smith said no. Only article 39 was withheld. She asked if it is because the building isn't going to be there. She said it was mentioned that they can meet at the Freight House or another town facility to continue their program. She asked why they are taking away the money if the program continues. Smith advised that they haven't received funding in 4 years and the budget wasn't reviewed. He also mentioned the program hasn't been very active. Smith also said the Board can move money around as they see fit. The new President can come to the Board to request funding up to \$2500 and the Board will provide it. Discussion ensued.

Daymond Steer, Conway Daily Sun, asked if the Board would consider unsealing the non-public minutes regarding the Main St. building. Smith said no. Steer asked if the Budget Committee stops reviewing articles before the deadline and if so, maybe the deadlines need to be adjusted. Smith said Warrant Articles have to be sent in 5 Tuesdays before Town Meeting. It doesn't mean they have to be approved. Discussion ensued.

Joe Deighan wanted to clarify that Warrant Articles funds can't be moved around. Operating budget funds can be moved around. Smith said he is talking about the bottom line of the budget. Deighan also mentioned that the program is not defunct. Discussion ensued.

Gillette mentioned the deed describing the building as the Main St. Annex and it shall be used and occupied by Main St. Programs or for recreational use. He asked to move the Recreation Department to that building and put more parking in Town Hall lot. Smith advised that when the Town purchased the property for \$65,000, the Town Report for 2006 stated as follow. To see if the Town will vote to raise the sum of \$65,000 for the purchase of 3 lots located at 15 Moultonville Rd. for the creation of a Town park and parking area. A park located in the center of town is consistent with and recommended by the towns master plan. The deed does not state the building must stand in perpetuity. The Board has authority under RSA 41A to manage Town property. Discussion ensued.

Kyle Copeland asked what businesses would benefit from more parking. Smith said Mountainview restaurant, another business is coming in 2 buildings before the restaurant, the deli across the street, the business that had the tailor in it, The Sap House Meadery, Ridgetop Shooting Class, plus all the people that utilize the gazebo or the playground. Smith said parking is a necessity. Discussion ensued.

Joy Gagnon agreed that parking is needed. She asked if there was anything they could say that is going to change their mind or change how they do this in the future. Smith said he can't say no and asked the other members if they had anything to say about it.

Selectman Keyes said municipal property falls under 2 categories. It's either an asset or a liability and the Board is tasked to do no harm. There is a building that has no foundation so it falls under the realm that it could do harm. It's a separate issue from the Main St. program. The Board wants the program to be vibrant. A lot of what they have done has been off sight. Outside agency funding is based on their vibrancy. Discussion ensued.

Joy Gagnon said in the future she would like to see more reaching out to the community in making decisions like this. She reiterated the need for a public bathroom. She is discouraged how this situation was handled. Discussion ensued.

Joe Deighan said that the fact that there is no foundation as an excuse when the Freight has no foundation as he believes is a worse situation than the Main St. building and under that is a constantly wet ground. Keyes discussed the mechanical elements and the return on investment. He reiterated his point about the building being an asset or a liability. Discussion ensued.

Suzan Doyle said the timing is off. Warrants need to be submitted in a certain timeframe. We found out on March 18th that this would happen, and Pat Jones got served the beginning of this week. The electricity was shut off 3 days later. If we were leasing or renting it, you would give the tenant 30-60 days' notice to vacate. She said the voters were blind-sided. Discussion ensued.

Smith said the program can continue. A majority of the programs are not part of the building. He reiterated that there is a lot that people don't know due to 91A that can't be discussed here. They can schedule meetings at the Freight House or use the Town Hall. Discussion ensued.

David Doyle asked about the 2 parking spots across from Mountainview Station Restaurant with tenant parking only signs. Smith said they are looking into if those are Town, State-, or privately-owned spots. They have to look at the deed. Doyle asked why the Town plows that if its privately owned. He watched it happen. T.J. Eldridge said they clean up the sidewalk. Doyle said he watched the loader plow it. He has an issue with the Town plowing privately owned property. Smith agreed. Discussion ensued.

Kyle Copeland made an observation that deadlines get missed with some of these groups and the public sentiment is we all want to help these groups but he also sees the Boards side of things to do right by the assets in Town. He mentioned 4 years of not asking for money and not being very active but once we say we are taking the building away then everyone shows up saying how active they are and are going to be. He would be frustrated by groups that don't follow the process for funding. Discussion ensued.

Deighan asked if the building was discussed in those non-public meetings previously mentioned. Smith said he can't get into the details as it was in the c category of the 91A. Discussion ensued.

Lynne Clark thanked the people of the community for their support with Main St. and Pat through the years. She mentioned that she has been helping Pat for many years. She cited her work with Gala and Green Mountain Conservation Group. There have been hundreds of families that have worked with Main St. projects. She mentioned that she became President Friday after Pat received her letter. She wanted to make sure the Town had their address which is on their website. She would like a formal letter from the Town for her Board and for NH non-profit organization. She mentioned that someone took their front sign off the building and she would like it returned. Smith advised that the Town didn't take a sign off the building. Clark discussed Pat's failing health but mentioned that Pat did the best she could. Discussion ensued.

Deighan mentioned the 91A issue again. He said the c category is matters if discussed in public would likely affect the adverse reputation of any person. He asked how that has anything to do with the building. Smith said he can't discuss it. Deighan said one of the reasons for non-public is the purchase of real estate. Smith advised that Deighan is saying things that are inaccurate. Smith said we are not selling the building. Discussion over reputational risk ensued. A vote was made in a public meeting about the building. Discussion ensued.

Dallas Emery said he came in for the public hearing about the dump fees. He advised that he is opposed to raising fees any further. Regarding the Main St. issue, he advised that he believes there is no difference between them and the School's Out program not showing up for the budget process. He said it sounds like the people here aren't happy and it seems like the Board has an agenda, but he is going to stay out of it. He is concerned if we raise dump fees then people are going to dump trash in the woods. Discussion ensued.

Steer, Conway Daily Sun, asked about the Town Hall building and how much longer it would be here. Smith said it depends on the resources that get put together.

Bowie mentioned the meeting time again. He also said that with the building being taken down, he thinks it would have been smarter to move the Town Meeting prior to the election for transparency. People may have voted differently, and people think the Board has an agenda. Smith said Bowie is asking the Town to break State law. Town Meeting and elections is determined by State Law. This is a Dillon's Rule State. An old Board can't speak for the new Board coming in. Discussion ensued.

Joy Gagnon said they are upset about the process and she thinks that the community would have liked to have some input and that was taken away from them. We don't like the process. Discussion ensued.

Ash Fischbien said we are all nostalgic about Main St. but doesn't think it requires a building of its own. As business owners, he understands what it takes to maintain them. He said it is easy this side of that table to hear what might seem like an agenda from the Board. Statutes, which is the language Smith speaks are cold. Law and ordinances are cold. He told Smith he speaks that language really well. He said on this side of the table it is hard to see that. He reiterated Joy Gagnon's point that transparency is important but you had considerations to make that aren't public. You were put in those seats by a group of people that believe in you. If we had a public hearing, you would get a snapshot of people that show up and you would also have thousands of people that aren't showing up. He said the decisions you have to make was put in your court and you have to sleep with it every night. As a business owner, there is nothing needed more than parking. He believes the building has no value as a commercial building. He thanked the Board for doing what they do. He thanked Pat for all she had done. Discussion ensued.

Keyes said no one wants to suppress Main St. and we encourage them to be vibrant. Discussion ensued.

Accounts Payable & Payroll Manifest:

The Payroll Check Voucher total was submitted for the week ending 3/30/2024 with a pay date of 4/2/2024 in the amount of \$54,043.52. Wages are \$42,092.05. Taxes are \$11,951.47. Accounts payable/General Fund is \$36,075.73. Water accounts payable is \$549.63. Sewer accounts payable is \$1,044.75. The total AP was \$37,670.11. Total is \$91,713.63. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken. Motion passed.

Review of Red Folder:

Smith advised that most documents were reviewed in the Work-Session.

The Board received a letter from the Conservation Commission requesting the Board to approve the assistance of the Public Works Director with the Conservation Commissions landscape project at

The Windows on Ossipee Mountains. Smith made a motion to approve. Keyes seconded. A unanimous vote was taken. Motion passed.

The Board has the Short-Term Rental application. Smith worked on it with Matt. He feels it is a good compromise. Smith made a motion to approve the application. Simpson seconded. A unanimous vote was taken. Motion passed.

Old Business:

T.J. advised that the road postings are removed. Discussion ensued. He also advised that the 2 parking spots mentioned by Dave earlier in the meeting have to be plowed regardless of who owns it due to public safety. Discussion ensued.

New Business:

None Presented.

Second Public Input:

Smith advised that the Main St. building discussion is closed.

Steer asked what the deadline is for STR compliance. Smith said they are waiting for a legal opinion to come back. It will be on the website once it is up and running.

Bowie mentioned that the people would like a list of salaries and positions of Town employees. He said Dallas made the request and was told 5 days to receive that info. Smith advised that is a 91 A request and he will get a response 5 days after the request as there is not a printout. It is compiled data. Discussion ensued.

Kyle Copeland mentioned the signs going in near the boat ramp on Rte. 25. He thinks it will go a long way regarding safety and he thanked the Board.

Harley Wilson asked about STR permits. Confirming it will be on the webpage after legal review. Smith said there will be time for compliance. Wilson asked about enforcement. Smith explained the process and said the ordinance lays it all out. Discussion ensued.

Joy Gagnon mentioned that the Ossipee Round Table is celebrating 5 years and is having a resource fair May 9th. She encouraged people to attend.

Adjournment:

Being no further input, Smith made a motion to adjourn the Selectmen's Meeting and open the Public Hearing on the Transfer Station Fee Schedule at 5:17pm.

Adjourned at : PM.

Jonathan H. Smith, Chairman

Susan J. Simpson

Brian W. Keyes

To be approved at the next Selectmen's Meeting