

Selectmen's Meeting Monday, August 23, 2021

These minutes were transcribed by Angela Eldridge, Secretary. Matthew Sawyer Jr., Town Administrator, was also in attendance. The meeting was held in the Bub Avery Gymnasium at Town Hall.

Chairman Jonathan Smith reconvened the meeting at 4:15 PM.

Call to Order/Roll Call: Completed in the Work Session- Martha Eldridge, Susan Simpson, and Jonathan Smith

Selectman Smith opened the meeting with the Pledge of Allegiance.

Friends of White Pond Presentation:

David Bertran represented 150 members of Friends of White Pond. He expressed concerns about possible damage to White Pond due to the mining activity from Ossipee Aggregates. FOWP sent a letter to the State of NH on July 6, 2021, asking them to look at the mining activity and impacts to the hydrology and ecology of the pond. On August 18, 2021, they received a response from the State of NH stating that Ossipee Aggregates has not done anything illegal. There have been discussions with the Ossipee Planning Board as well. FOWP has requested a meeting with Ossipee Aggregates 6 weeks ago and has not heard back from them. Bertran discussed that the pond is surrounded by sand dunes which acts like a water tank. He also advised that it is spring fed and purifies the water. He is concerned that the springs will dry up. He is also concerned about the ecology. He discussed the wetlands, peatbogs, and property values. He mentioned that the State of NH gives the Board of Selectmen responsibility for not allowing mining to reduce property values per 155-E4. This also says the Board is responsible for the water quality. According to Fish & Game, there are endangered creatures in the area as well. He is concerned that altering the terrain could affect these creatures. Bertran consulted with expert, Dr. Newton, who suggests a study be performed as there is a possibility of damaging the pond. He would like the Town to write a letter to Fish & Game to do a survey regarding the ecology of the pond including a copy of the mining plan with that letter. Bertran advised that other Towns have ordinances in place requiring mining companies to put in wells and monitor those wells. Smith advised that in his email correspondence on this matter he has asked 2 questions. Has anyone reached out to DES to determine approximate cost and who pays for it? He also asked if a study like this is normally done regarding gravel pit operations. Bertran believes that the State of NH should look at Dr. Newton's letter and the mining plan and suggest what measures should be taken. Bertran advised that some Towns require having a plan in place as part of their permitting process. Smith advised that in the response from Senator Bradley's Secretary regarding the letter that DES sent to the compliance officer from FOWP, states that little could be shared at this time as DES is still working to formally respond the FOWP request for a study. It also stated that FOWP has not submitted any applications but simply made a request to conduct a study. He could not speak to the costs or who would be financially responsible for it as many regulations have changed since excavation in 2003. Smith replied to that email stating that he believes, since the response from DES is ambiguous regarding the costs and whether the law requires it, that its premature and irresponsible to send a formal request as a legislator for such a study without having all the relevant facts. Bertran showed Smith the regulations. Smith thinks the Board should review the letter from DES, write a letter to DES and if they respond, decide regarding a letter of support for FOWP. Discussion ensued. Daymond Steer of the Conway

Daily Sun asked if the Board will be making a motion or if they are taking it under advisement. Smith advised that they are taking it under advisement. Steer asked if they would have a decision for the next meeting. Smith advised the next meeting is in 2 weeks. M. Eldridge corrected that and advised the next meeting is in 3 weeks due to the upcoming holiday. Matt Sawyer Jr., Town Administrator, asked for specific questions that would need to be included in the letter that he drafts to DES. Bertran advised to ask if the mining activity will affect the species around the pond and he suggests including a copy of the mining plan and Dr. Newtons letter. Discussion ensued.

Smith made a motion to investigate the concerns and get an answer for Friends of White Pond. M. Eldridge seconded. A unanimous vote was taken.

Steer asked for confirmation that Matt Sawyer Jr. will write a letter based on the ecology questions from Friends of White Pond. Smith confirmed that was correct. Bertran advised that he is also asking the Board to get an answer from DES regarding the mining at White Pond. Discussion ensued.

Scott Hughes added that he has researched the different ordinances in some other Towns and found that some require the applicant to provide the rationale on how their removal of the gravel will not adversely affect the aquafer in that area. Discussion ensued.

Smith advised that a petition warrant article can be done to change the ordinance if you have 25 signatures of registered voters of the Town of Ossipee. M. Eldridge advised that warrant articles are due on December 1st.

John Legates of White Pond Road supports learning more about the possible impacts of mining. Discussion ensued.

Public Input:

None Presented

Accounts Payable & Payroll Manifests:

The Payroll Check Voucher total was submitted for the week ending 8/21/2021 in the amount of \$36,702.20. Accounts Payable is \$57,369.53. M. Eldridge made a motion to approve. Simpson seconded. A unanimous vote was taken.

Meeting Minutes:

M. Eldridge made a motion to approve the minutes from the Work Session held on 8/9/2021. Simpson seconded. Smith abstained.

M. Eldridge made a motion to approve the minutes from the Selectmen's Meeting held on 8/9/2021. Simpson seconded. Smith abstained.

Review of Red Folder:

The Board received a Water & Sewer Warrant for \$738.17 with penalties after 9/27/21. M. Eldridge made a motion to approve. Simpson seconded. A unanimous vote was taken.

The Board received a Notice of Decision for Map 118, Lot 010, Map 119, Lot 001, and Map 119, Lot 002. Case # 21-02-SUBD was granted final approval for a subdivision on 34 acres into 3 lots. This will be on file in the Selectmen's Office.

The Board received a Notice of Decision for Map 250, Lot 004, Rachel's Sheds LLC, for Case # 21-03-SPR. This was granted final approval for a Site Plan Review. This will be on file in the Selectmen's Office.

The Board received a License to Sell Pistols and Revolvers from the State of New Hampshire for Sirotac, located at 925 Route 16 Building 3 in Ossipee, NH. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken.

The board received a letter from the Zoning Board of Adjustment asking them to accept and confirm the reappointment of Doreen French as an Alternate to the Zoning Board. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken.

The Board received a Settlement Agreement for Map 700, Lot 001 for Fairpoint Communications. This was recommended by the assessor. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken.

The Board received a letter from the Conversation Commission to appoint Elizabeth Gillette as an alternate. Smith made a motion to deny. Simpson seconded. A unanimous vote was taken.

Smith read a letter from the Ossipee Valley Snowmobile Club into record. The letter thanks the Board, Jonathan Smith and T.J. Eldridge for their efforts with the project on Polly's Crossing Road regarding the road conditions, which included flooding and a crushed culvert.

Smith read a letter from the Cotton Valley Rail Trail Club President, Bruce Stuart thanking Smith, T.J. Eldridge and the Highway Department, for their efforts on the removal and repair of Polly's Crossing Road.

Smith read a letter from Maria La Guardia into record. The letter is regarding internet and cable service from Spectrum. She feels that it is unreasonable. She would like the Town to consider NH Co-Op in the coming negotiations. Smith advised that the contract is up next August, and they will be looking into better and cheaper service with more coverage in underserved areas.

Old Business:

Matt Sawyer Jr., Town Administrator, advised that the Town received a formal approval from DOT to award the Whittier Covered Bridge work to CPM Constructors, including a letter to proceed and an amended project agreement. This is the formalization of the funds they were trying to get us. The expected Town portion is around \$223,000.00 plus any project overrun or change orders. Sawyer Jr. asked for a motion for him to enter into amended project agreement and execute a contract with CPM or any other forthcoming documents. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken.

Sawyer Jr. thanked the landowners, Greg, Doug, and Darren, who have had their property essentially tied up for the past 12-13 years with the Bridge resting on it as well as T.J. Eldridge for getting all the paperwork signed.

New Business:

None Presented

Second Public Input:

Ed Comeau asked how much the settlement agreement was for and for confirmation that it was not a tax abatement but a legal settlement agreement. Smith advised that \$31,979.00 is coming out as an abatement to the overlay. Sawyer Jr. advised that this amount would be spread out over 2 years per the agreement. Daymond Steer of the Conway Daily Sun asked if the settlement was for the assessor. Smith advised that it was for Fairpoint Communications. Sawyer Jr. advised that this was a class action lawsuit that Fairpoint had against multiple municipalities regarding the legality of the way they were being taxed. There was recently a Supreme Court decision on it and the defense attorney worked out a deal for the municipalities that were defendants.

Daymond Steer of the Conway Daily Sun asked about the Windsock Village situation and how the abatements worked out. Sawyer Jr. advised that there weren't many abatements and ironically some of those people sold their houses for more than the assessed value.

Dallas Emery discussed concerns regarding Covid vaccine mandates and asked if they will allow that to happen in this Town. Smith advised that HB 220 has passed for Municipalities and Government employees. Emery discussed President Biden mandating all healthcare employees including nursing homes. Smith advised that the Board doesn't govern that. Frank Burke advised that there are 2 other options for people who don't want the vaccine which is to get tested weekly or can be exempt for religious reasons. Smith advised that the Board does not control the nursing home or the schools and encouraged people to speak up because they have more power than the 3-person Board of Selectmen. Smith mentioned that there were a few Republican legislators who voted against the enhanced version of HB 220 which would have protected people against the vaccine mandate. Discussion ensued.

The next Selectmen's meeting will take place on Monday, September 13, 2021.

Adjournment:

Being no further input, Smith made a motion to adjourn. Simpson seconded. A unanimous vote was taken.

Adjourned at 5:17 PM.

Jonathan H. Smith, Chairman

Susan J. Simpson

Martha B. Eldridge

To be approved 9/13/2021