

Selectmen's Meeting Monday, February 14, 2022

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

Chairman Smith started the meeting at 4:15 PM.

Chairman Jonathan Smith opened the meeting with the Pledge of Allegiance.

Public Input:

Kyle Copeland of Leavitt Road discussed the proposed gas station in Effingham. He is worried about property values, storm water run-off, the aquafer, and ground water contamination. Copeland is hoping the BOS will see this as a regional impact issue. He asked who is responsible if there is a major contamination. Smith mentioned that he spoke with DES, and they have zero red flags about this gas station and that accidents happen every day, but he is not clear what liability the owner would have in case of a contamination. Discussion ensued.

Tim Otterbach also had concerns with the gas station regarding the aquafer and gas spillage and the affect on the groundwater. He discussed the geology and geography of the site and mentioned that this is a dense residential area, so he has concerns with drinking water and property values. He mentioned that the tanks are not full proof even if they are state of the art and requests the BOS contact Effingham Planning Board and suggest this is a regional impact. Smith asked how long this property has been a gas station prior to this situation and mentioned that there hasn't been contamination for that long. Smith asked why they think contamination will happen now. Otterbach said the volume of vehicles has increased so spillage is happening more. Discussion ensued.

Dallas Emery asked someone to explain the difference between the gas station and the houses in the area as a house could also have a spill in their basement. He thinks this is a moot point as contamination could come from anywhere and sees this as fear mongering. Chris Elliot of Broad Bay Road responded by first thanking the Board for their service. Elliot asked if the State of NH has been to the site and seen the concerns. Smith advised that he will contact them to ask that question. Elliot believes this is something we can control right now and that it is not fear mongering. Elliot stated that representatives of taxpaying citizens are asking the Board to step forward on their behalf. He acknowledged that Smith has expressed his thoughts and asked the other Board members what their thoughts are on this topic. M. Eldridge advised that she agrees with Smith on this matter and asked if this was a concern when the other gas station was there. Elliot responded that they are learning more about what can happen and that is why it is an issue now. Discussion ensued.

Otterbach advised that the previous gas station was removed 7 years ago. He said that the term fear mongering is brushing off taxpayers concerns for their health.

Edwina Boose of Broad Bay has concerns about the drinking water. She mentioned RSA 36.5 regarding a regional impact study and mentioned that the BOS can ask Effingham to complete this study. M. Eldridge asked if the Town of Effingham is not showing concern for this and Boose advised

that it has been approved to move forward. Otterbach advised that it was granted a variance. Discussion ensued.

Dallas Emery asked the difference between the houses in the area and the gas station and Copeland advised that the houses do not commercially pump gas. Discussion ensued.

Selectman Simpson advised that she thinks the Board should meet with Effingham and get involved in getting this situation resolved. Smith said he thinks one member of the Board can go and represent the Town of Ossipee. Boose advised that a letter to Effingham asking them to qualify for regional impact would suffice. Smith mentioned that he is not ready to do that but is ok with a Board member going to the Effingham Planning Board meeting and reporting back. Smith suggests waiting until he contacts DES and get more information. M. Eldridge agreed. Discussion ensued.

Accounts Payable & Payroll Manifests:

The Payroll Check Voucher total was submitted for the week ending 2/12/2022 with a pay date of 2/14/2022 in the amount of \$54,190.95. The General Fund is \$119,915.95. Water & Sewer accounts payable is \$3,072.48.

Meeting Minutes:

Simpson made a motion to approve the minutes from the Selectmen's Meeting held on 2/07/2022. Smith seconded. A unanimous vote was taken.

Simpson made a motion to approve the minutes from the Work Session and Non-Public Session held on 2/07/2022. Smith seconded. A unanimous vote was taken.

Simpson made a motion to approve the minutes from the Public Hearing held on 2/07/2022. Smith seconded. A unanimous vote was taken.

Review of Red Folder:

The Board received a request for a Clerical Abatement for Map 029, Lot 001, Sub Lot 119 for \$294.00. The camper sold in September before tax bills went out. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken.

The Board received a Supplemental Warrant for \$294.00 for 110 Nichols Road. This sold in September before tax bills went out. Simpson made a motion to approve. Smith seconded. A unanimous vote was taken.

The Board received a Water & Sewer Warrant for \$2,315.00. Smith made a motion to approve. Simpson seconded. A unanimous vote was taken.

The Board received a Notice of Decision from the Zoning Board for case #22-01-SE for Mary Boisse who was granted a Special Exception from Article 23.3.2. A non-conforming structure to retain and complete a waterfront deck on the southerly side of her home within the waterfront setback, but further from the lake than the existing house. This is on file in the Selectmen's Office.

The Board was presented with a letter from the Public Works Director to the residents of Deer Cove Road. The letter states that the Town of Ossipee will continue to maintain and plow all portions of the road after all residents agree to the terms below, which will be filed with the Registry of Deeds. The Town of Ossipee is willing to work with residence to come to a solution to continue to maintain this portion of road but our employees must be able to do so in a safe manner.

Terms are as follows.

1-The Town of Ossipee is not liable for any or all damage to property located within three feet of the edge of pavement or fifteen feet from the center line of the road while performing winter or summer maintenance.

2-The Town of Ossipee will need to be granted an easement to turn around in the location of 102 Deer Cove Road which will be determined by the residence and the Public Works Director.

The Board composed a letter to the BTLA regarding the charitable exemptions granted in Ossipee that didn't qualify legally. Smith read the letter and it states that the Board has identified systematic problems and remedies including the coding of properties receiving exemptions in Avitar, and a more proactive process to ensure the input from our contract Assessor, who is the expert on these issues. The letter asks for the courts good grace and understanding when considering the order for these organizations to pay back taxes, previously exempted. It also states that even though they don't qualify for the statute, these programs do good in the community. It asks the court to limit payback order to 2 years to relieve some of that burden as it would likely create a hole the organization could never dig out of. Also, the letter states that Jonathan Smith voted against the exemptions, so he accepts no responsibility of any wrongdoing, but he echoes the request for grace and mercy on these organizations for the mistakes of the Town.

Old Business:

None

New Business:

There will not be a meeting next week due to the upcoming holiday.

Second Public Input:

Dallas Emery stated that he never got an answer to his question about the gas station in the first public input.

Adjournment:

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

Adjourned at 5:13 PM.

Jonathan H. Smith, Chairman

Susan J. Simpson

Martha B. Eldridge

To be approved 2/28/2022