



Town of Effingham
Selectmen's Office
68 School Street
Effingham, New Hampshire 03882

Board of Selectmen's Meeting Minutes
September 6, 2022

Present: Chairman Espie, Selectmen Kirkwood and Fuller, Town Administrator Fraizer, Fire Chief Harmon and several members of the public.

Chairman Espie called the meeting to order at 4:30 p.m. followed by the Pledge of Allegiance.

Signature Folder:

Chairman Espie made a motion to approve and sign the Selectmen's work session minutes for August 23, 2022. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Chairman Espie made a motion to approve and sign the Selectmen's non-public minutes for August 23, 2022. The motion was seconded by Selectman Kirkwood, the motion passed (3-0).

Chairman Espie made a motion to approve and sign the Selectmen's meeting minutes for August 23, 2022. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Chairman Espie made a motion to approve and sign the Selectmen's second work session minutes for August 23, 2022. The motion was seconded by Selectman Kirkwood, the motion passed (3-0).

Chairman Espie made a motion to approve and sign the Selectmen's work session minutes for August 24, 2022. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Several Personnel Action Forms were signed.

Chairman Espie made a motion to approve and sign the manifest dated September 8, 2022, in the amount of \$95,966.09. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Chairman Espie made a motion to approve and sign the second manifest dated September 8, 2022, in the amount of \$1,666.63. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Mail Folder:

- Action Ambulance Report – January – June 2022

Administrator Comments and Selectmen's Reports:

Town Administrator Fraizer

- Town Administrator Fraizer informed the Board that Green Mountain Treatment Center has been invoiced.
- Meeting with Attorney Serge and Health Officer has been scheduled.
- Town Administrator Fraizer is addressing the computer in the modular for the various departments/committees.
- The new bookkeeper has hit the ground running.
- Town Administrator Fraizer is on vacation next week.

Selectman Kirkwood

- Selectman Kirkwood inquired to the Town Administrator if signs had been ordered for the transfer station. They have not.
- Selectman Kirkwood has a meeting set up with PRIMEX insurance to visit the Transfer Station. She will be discussing the platform for recycled material, the glass disposal area, and other concerns.
- Selectman Kirkwood visited the Wakefield Transfer Station to review their operations. She invited the manager, Joe Gore to visit the Effingham Board of Selectmen.
- Selectman Kirkwood spoke to Doug Cygan of the State Department of Agriculture about the control methods of Japanese Knotweed. She reviewed the 3 options on how to handle it.

Selectman Fuller

- Selectman Fuller said the Historic Town Hall Powderpost Beetle damage in the building is more extensive than first thought.
- The HTH Committee has a special meeting on Wednesday September 7th at 6:00 pm at the Effingham Preservation Society.
- Selectman Fuller is attending the Carroll County Communication District Planning Committee meeting September 7th at 10:00 a.m.
- Selectman Fuller signed the paperwork for the Wilkinson Swamp Road Culvert Grant. A handout will be prepared to inform the public of the project.
- Selectman Fuller signed up for the Hard Road to Travel workshop in Concord on October 6th.

Selectman Espie

- Chairman Espie reported the Green Mountain Road Paving will begin on September 7th. The delay was caused by events outside of the contractor's control by the paving plants.
- The construction on Bailey Road has also started.

New Business

The contract for the generator should be renewed. Chief Harmon offered to get comparable quotes.

The Selectmen discussed the petition to the Board dated June 9, 2022. After discussion, Chairman Espie made a motion to hold off on any decision until after the Planning Board has made a decision. The motion was seconded by Selectman Fuller, the motion passed (3-0).

Announcements: Primary Voting is Tuesday September 13th from 8:00 a.m. to 7:00 p.m.

Fire Department

Fire Chief Harmon changed his report to be more like the historical reports. There were 36 calls for the month of August. The majority of the calls, 58% were during the daytime overage.

Chief Harmon is still waiting to learn if FEMA will cover any of the July storm damage.

Health Officer

Health Officer Cahalane reported waste being dumped at the Elm Street bridge.

Health Officer Cahalane also advised the Board that he would be requesting basic protective equipment in the 2023 budget.

Transfer Station Committee

Mr. Cahalane reported the Tamworth Transfer Station manager can come in and discuss their project.

Public Hearing

Chairman Espie made a motion to open a public hearing under RSA 31:95-b III (a) to accept unanticipated moneys in an amount in excess of \$10,000. The motion was seconded Selectman Fuller. The motion passed (3-0).

Chairman Espie made a motion to accept funds from the American Rescue Plan Act in the amount of \$77,365.65 which will be used for the Bailey Road Bridge work. The motion was seconded Selectman Fuller. There was no discussion. The motion passed (3-0).

Chairman Espie made a motion to accept funds from the State of New Hampshire Department of Transportation in the amount of \$69,682.78 which will be used for road maintenance. The motion was seconded Selectman Kirkwood. There was no discussion. The motion passed (3-0).

Chairman Espie made a motion to accept funds from the Effingham Preservation Society in the amount of \$23,105.00 which will be used for the Historic Town Hall Rehabilitation project. The motion was seconded Selectman Fuller. There was no discussion. The motion passed (3-0).

Chairman Espie closed the public hearing.

Public Comment

Dave Garceau asked the Board to take action early on the boat storage on Green Mountain Road and on the lot on Route 153. The Selectmen will address it with the Zoning Enforcement Officer.

Mr. Garceau brought up several other items, the keys for the Health Officer(s) to get into the modular, clarification on the legal email, and a camper on 103 Green Mountain Road and other camper issues.

Blair Foltz introduced Bill Bartowitz to speak on the petition on testing the wells. Mr. Bartowitz lives 300' from the store. Mr. Bartowitz had his well tested before he bought the property. He wants to know who will protect him and his well if there is a spill. Mr. Bartowitz wants to know why the Town doesn't sue or fine the land owner. Chairman Espie said the application is going through the application process and the Town can't do anything until the process runs its course.

Tim Otterbach from Ossipee and a board member of the Ossipee Lake Alliance. He spoke representing the Ossipee Lake Alliance. Mr. Otterbach wanted to be on the record that

1. Contamination might have moved and the wells should be tested;

2. The applicant has not provided any documentation on where the contaminated soil has been moved to. It is a health, safety and welfare issue, not the Planning Board.
3. He requested a list of the actual zoning violations from Effingham's Zoning Enforcement Officer.
4. He appealed to the Board of Selectmen to assess and imposing fines.

Rich Fahey also spoke regarding the petition regarding testing the wells. He is concerned with tanks that were not installed with approval. Mr. Fahey mentioned the 2016 report that discusses the flow of the water from Route 25 to Ossipee Lake. He feels the cost of \$225 for a water test is minimal and requested the Board to reconsider their decision on testing the wells.

Mike Cahalane said the Board should be familiar with the report that Rich mentioned.

Mr. Otterbach recommends the Board of Selectmen request a copy of the report. DES has no idea where the soil went.

Perry Fine lives northwest of the MEENA site and is concerned the applicant is not being fined. If the wells in the petition were tested then other surrounding residents would feel safer. He asked where the responsibility lies for the applicant's violation of the soil disturbance. The Board of Selectmen are not going to address at this time. Ms. Foltz said it was 300 yard disturbance. Mr. Fine stated said there is material in the tanks for ballast.

Mr. Cahalane provided several RSAs including 47:17 X and XI, 21:34a that could be used to create a local zoning ordinance. He also described the process for the Board to move forward.

Blair Foltz asked for clarification on the reason for the intent to cut. Selectman Fuller discussed his negotiations with the Town Forester. Ms. Foltz pointed out the conflicting statements in what she was previously told. There is significant money coming to the Town as a result of the cut, there is not a contract with the forester, and there is a conflict of interest having the forester also be the logger.

Ms. Foltz introduced Peter Baldwin a prior Carroll County Forester. He asked an active logger for current prices. He is aware that the intent to cut form is probably high. He estimated the Town will be receiving roughly \$55K to \$59K. Normally a forester handle the sale which includes laying out the sale and negotiates with an individual logger. There is then a contract of the prices to be paid and supervise the sale. They handle all of the paperwork and receive approximately 20% of the value. In this case the forester would receive \$11-12K and the Town would receive \$44K to \$47K.

Selectman Fuller stated Mr. Libby only receives \$1,000 per year as the Town's Forester and the Town should be grateful. Ms. Foltz challenged the comment, she spoke to DRA who clarified there should be a contract with the logger and the intent to cut states Libby Logging.

Mr. Cahalane said when he was Chairman of the Board of Selectmen there was a contract with the Town Forester that goes out maybe five (5) years. Because Mr. Libby charges such a low amount the agreement doesn't violate the Town's purchasing policy.

Ms. Foltz said the contract is not with the Town's logger but for the project. Chairman Espie said Taylor is doing the logging and hauler at the Transfer Station. Ms. Foltz is not criticizing Mr. Libby but the Selectmen as the businessmen of the Town. They should have seen the contract and prices prior to moving forward with the cut. Each parcel needs a contract with the dates of the cut.

Mr. Cahalane clarified Mr. Libby gets a stipend as the Town Forester and the contract details the pricing.

Ms. Foltz asked about the status of the Transfer Station Plan and if the public would have input. Mr. Cahalane said there is not a plan yet. Ms. Foltz is concerned with the contaminated soils and if it will be taken into the consideration.

Elaine Chick asked in the absence of the Zoning Enforcement Officer if the Board of Selectmen have the authority to issue a cease and desist if necessary. Chairman Lenny said he would check.

Selectman Fuller made a motion to adjourn at 6:05. The motion was seconded by Selectman Kirkwood. The motion passed (3-0).

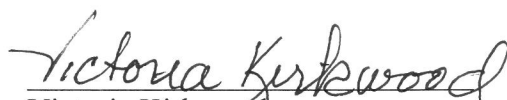
Respectfully Submitted,
Audrey Fraizer



Leonard Espie

Dated: October 4, 2022

Charles Fuller



Victoria Kirkwood

