

**MINUTES
SELECTMEN'S MEETING
Monday, May 01, 2023**

SELECTMEN PRESENT: Janet Wall (JW), Mark Avery (MA), Tim Burt (TB)

OTHERS: Eric Fiegenbaum (EF), Deborah Ahlstrom (DA), Janet Fones, Tim and Megan Martin.

Correspondence:

- A letter from Breezeline about increases in prices for internet access was noted.
- A letter from Comcast noting that it was changing the name of HBO Max to just Max was noted.

GUESTS: The Martins from 3 Cherry Ln attended the Selectmen's meeting to discuss a concern about activities on their property including noise and parking issues. They indicated that they have changed the description of the barn from an event or function hall to just a barn. They described it as an extension of the house, similar to a basement or bonus room. The property is rented out as a whole, not separately, like just the barn. An ad had seemed to indicate otherwise when it was advertised for company outings. They are requiring a three-night stay. They have made adjustments to the ads, and are willing to check if one is still wrong. The Selectmen noted that the property is in the residential district which allows some businesses, but through a permitting process involving the Planning Board. Tourist homes are allowed, but function halls are not allowed without permitting. The Martins said the majority of renters use the barn as an extension of the house. There is a porta potty outside the barn for convenience. The complaint included the noise of a band practicing. Tim is a member of the band. The Martins have met with the Kents at 5 Cherry Ln and have worked out a reasonable routine for the practice sessions. One Cherry Lane does not seem to be bothered by the noise. The band practices once every other week on a weeknight from 6 to 9, and every other weekend on a Sunday from 10 to 2pm. The Selectmen explained that they asked for the meeting to hear how the Martins would respond to the complaint. The Selectmen wanted to gather information, review town ordinances, and look at both sides of the issue. They noted that there is a permitting process for some business activities. The Martins offered that the neighbors are mostly bothered by the weeknight band practices and they have modified the practice to be quieter after 8pm. It was noted that Madbury has an "obnoxious" ordinance with respect to noise.

The Selectmen continued on the subject after the Martins left. The Selectmen noted that the function hall description seems to have been taken off the table, yet the situation bears watching. There was a concern about whether the band is a business and if there was recording being done at the barn. If the band is a business, its activities may fall under home occupation. The definition of a tourist home was also reviewed. The three-night minimum was considered a positive aspect. If the band is a business venture and the barn is being used for a recording studio, then perhaps the Martins should go to the Planning Board for a permit. There was a concern that the Martins are not there during the rental period to keep an eye on things. EF will draft a letter to describe what the Martins said they were doing. It was suggested that the ordinances be provided. On responding to the complainant, EF noted that the Kents have asked for the meeting minutes. The approved minutes will be forwarded to them.

NEW BUSINESS

- ORYA has invited the Selectmen to throw out the first pitch at opening day on Saturday, May 6, 2023. The Selectmen will respond directly to ORYA.

- EF presented three Land Use Change Tax warrants as recommended by the assessing contractor. MA moved and TB seconded a motion to warrant Land Use Change Taxes as presented to Dunkle, Griffin and McGuire. Motion passed.
- The selectmen signed an agreement between the Town Tax Collector and the Selectmen for the Tax Collector to keep track of elderly tax liens with the use of the Avitar tax software.
- There was a preliminary review of the MRI proposal to provide consulting services to evaluate and propose options to the town for providing fire protection services. There was a discussion on documenting that attempts had been made to find other providers and that MRI is a sole source. Both Tim and Fire Chief Perley had searched and attempted to find a suitable local consultant. A decision on the agreement was not expected tonight. TBM had already discussed some adjustments with the Chief as the agreement was being drafted. A service agreement with Durham included in the scope, but there is the ability to broaden the scope to consider any other town. Further questions could be sent to the Chief. The difference between consolidation and collaboration was discussed. On the question of who would sign an agreement, the Selectmen could sign or authorize the Fire Chief to sign. There was a question about the agreement assisting in negotiating a collaboration. It was thought that the help with any negotiations might be part of a second agreement. DA urged documenting the sole source aspect, such as a memo.
- There was a discussion on the ORCSD high school students conducting a game called Senior Assassin, which seemed problematic given the current national news.

OLD BUSINESS

- EF noted that he should have notified the Fire Chief, as the supervisor, on the complaint against a fire fighter instead of bringing it directly to the Selectmen.
- TB noted that he has spoken to a neighbor who is interested in being considered for the town representative on the Lamprey Regional Cooperative. Any decision will wait until after volunteer vacancies are noticed in the upcoming Musings.
- JW expressed an interest in reviewing the current use practices of a property on Evans Rd. EF will research a previous meeting with the landowner.

BOARD UPDATES:

- EF reported that the Road Agent says that grinding of Huckins and Freshet will begin on Tuesday. He is happy with the quote he has received for the grinding and paving. The burn pile at the transfer station is mostly gone. He is near the end of replacing mailboxes from snow plowing damage. He will inquire about a contractor doing the fall ROW mowing. EF has sent the PWEC contract inquiry letter to a contractor in Nottingham that does ROW and possibly snow plowing.

OTHER:

- Mark Gaudreault's sister has make some inquiries, and it is hoped that she will be more involved with the situation.
- The Selectmen asked that EF send a note to the realtor who is advertising the house and frame shop on Rt. 108, noting that the home occupation permit goes with the owner.
- There will not be a Selectmen's meeting on May 5th, as there will not be a quorum of Selectmen.

Meeting ended at 8:45pm.

Submitted by: _____ Approved: _____

On approved minutes, proof changes are noted through italics for additions and strikethroughs for deletions.