



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
April 25, 2016

Selectmen Present: Susan Silverman, Chris Holman

Ms. Silverman called the meeting to order at 7 p.m.

PRIMARY:

***** APPROVE MINUTES**

- April 14, 2016

- April 18, 2016

The Selectmen agreed to postpone approval of the minutes until Nancy Carney was back.

***** APPROVE MANIFESTS**

Ms. Silverman made a motion to approve the manifests. Mr. Holman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

***** REVIEW SIGNATURE FOLDER – The Selectmen reviewed and signed.**

7:15 MEET WITH JAFFREY PARK THEATER REPRESENTATIVES

Peggy Ueda, Trustee and Steve Jackson, CEO, Managing Director of the Park Theatre met with the Selectmen to give an update on the reopening of The Park Theatre and their hope to break ground within 60 days and open in 2017. Mr. Jackson shared a short video that showed the history and the future plans of The Park Theatre. Mr. Jackson also shared that they wanted to involve their surrounding neighbor towns and noted that the facility would be available for educational purposes.

Ms. Silverman shared that she would pass this information along to the Economic Committee.

7:45 MEET WITH REPRESENTATIVE FROM RANGER SOLAR

Chris Stewart, C.J. Walsh, and Aaron Svedlow from Ranger Solar met with the Selectmen to update them on their solar plans in Fitzwilliam. Mr. Walsh shared that currently Ranger Solar was exploring a project in Fitzwilliam and wanted to introduce themselves. Mr. Walsh gave some background information on Ranger Solar. Mr. Walsh stated that Ranger Solar liked to locate their solar near existing electrical. Mr. Svedlow shared that Ranger Solar looks to co-locating with existing substations and gave some background information on solar and shared that Ranger Solar sold power to the grid. The reason for doing solar power in New England now and not 5 years ago was basically due to the cost. Mr. Svedlow reviewed a presentation on solar energy in New England and talked about their project. They were here to get the Selectmen's input on the project and their goal would be to go into construction in 2018 and to engage with the town further.

Mr. Svedlow shared that they have been working with the Vermont Towns of Ludlow, Brandon, and Sheldon and that Ranger Solar was just stepping into New Hampshire. Mr. Svedlow also shared that Ranger Solar avoids impacts to sensitive natural resources and was required to have decommissioning plans. The core project located south of Rt 119 won't be visible from any roads and they see a positive impact to the Town. Ms. Silverman asked about the environmental aspect of their projects. Mr. Svedlow stated that they place their panels about 16 feet apart and follow the contour of the land, they use driven post, not concrete and the panels are the same. The area would be seeded, mowed, and they would do some forest clearing. Mr. Svedlow reviewed the map of the project area. Mr. Svedlow shared that surveys would be done this spring for vernal pools and if need be would recheck next spring.

Ms. Favreau asked about the amount of land that was needed for their project and Mr. Svedlow stated that they needed 5 acres per megawatt and they would have 60-80 megawatts. Mr. Walsh shared that there were 3 different landowners. Mr. Svedlow also shared that the screening would be natural landscaping, the panels were 4 ½ X3 feet and the inverters make sounds but less than the substation. Ms. Favreau asked if they would purchase or lease the land. Mr. Svedlow stated that they do both a lease and purchase option and the leases were up to 40 years and the life span of the project was at least 25 years and if the project was to be removed, the area would be restored. Terry Silverman asked if they would run new line to the substation. Mr. Svedlow responded that it would interconnect at the line on the property line. Pat Martin asked about selling to ISO and Mr. Svedlow stated that hasn't been determined yet. Mr. Svedlow shared that they haven't applied to the FCC yet and Ranger Solar would hold a public meeting on their own and would also hold the required FCC meeting.

Ms. Silverman asked about ledge and Mr. Svedlow stated they would do a geotec and would screw into the ledge. Ranger Solar would also do a survey on species in the area. They would like to come back in the next 5-6 months to give the Selectmen an update on the project. Mr. Stewart shared that they were meeting with the Planning Board in June. Mr. Holman asked about the number of acres they were looking at. Mr. Svedlow replied that they were looking for 500 acres. Mr. Silverman asked about a micro grid and Mr. Svedlow shared that their projects were too large and that Ranger Solar was the developer and sells to ISO and their preference would be to sell in New Hampshire but possibly ISO. Mr. Svedlow shared that Ranger Solar would also like to talk about tax value.

8:15 MEET WITH REPRESENTATIVE FROM EVERSOURCE

Laurel Boivin, Tracy Tarr and Matthew Robinson, met with the Selectmen to get authorization for Eversource to apply to the State of New Hampshire for a wetlands permit within the town's right-of-way – which was formerly the old Route 12. Ms. Silverman reviewed the road classifications and stated the Selectmen weren't aware that when the land was sold it didn't include this road. Ms. Tarr stated that Eversource needed the owner to sign off. Ms. Silverman stated that no one was allowed to work on a Class 6 road and the Selectmen weren't aware that the town owned this land. Ms. Boivin stated that the State has up to 75 days to approve and that was why they wanted to start the wetlands process first. If not, they can withdraw or cancel their application. Ms. Tarr stated Eversource didn't need permission from the land owner as Eversource doesn't do work within 20 feet of the abutter and discussion was held on what property Eversource owned. Ms. Tarr shared that Sandra Gillis asked Eversource to do an abutter outreach.

The Selectmen reviewed the map and stated the need for formal action. Ms. Silverman asked them to leave the information with the Selectmen. Ms. Tarr asked when the Selectmen would review and Ms. Silverman stated the need to make sure they understood where the right-of-way was. Ms. Tarr stated that Eversource had a surveyor review the right-of-way. Mr. Holman asked if they noted any changes to the wetlands. Ms. Tarr stated they had talked about putting mesh on the trees to avoid beaver chew. Mr. Robinson reviewed the planting detail and stated that it was a fall project as it was the best time to plant. Ms. Boivin asked about the Selectmen's process. Ms. Silverman hoped to have this done by next week.

***** REVIEW INFORMATION FROM ROGER KEILIG**

Ms. Silverman shared that Roger Keilig has offered to donate the land that he owns behind the Town Hall to the town. Mr. Keilig would like the town to pay for a survey. Ms. Favreau stated that a lot line adjustment would need to be done. Ms. Silverman shared that it was hard for Mr. Keilig to sell the store with the back land and thought that it was in the best interest of the town to own that land. Ms. Favreau shared that it would be good if we needed to have a new septic system installed. Ms. Silverman stated the need to get an estimate from a surveyor. Ms. Silverman also stated that it would need to go to the town for a vote. Ms. Silverman shared that previously the Board of Selectmen would have been able to accept this type of donation but that got changed. Ms. Favreau would find out what the process needed to be. Ms. Silverman also asked Ms. Favreau to let Mr. Keilig know that the Selectmen were interested. Mr. Holman asked about the cost to do a town meeting and Ms. Favreau and Ms. Silverman stated that it would need to go to the Court to ask to have a meeting and there needed to be a compelling reason.

***** CONSTRUCTION PERMIT**

- **Map 25, Lot 4**
- **Map 09 Lot 11-02**
- **Map 27, Lot 2**

Map 25, Lot 4 – Mr. Holman made a motion to approve the permit for Map 25, Lot 4. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

Map 09, Lot 11-02 – Robert and Joan Wolfe met with the Selectmen to discuss their construction permit for the kitchenette in the family room. Ms. Silverman shared that the Selectmen would need to have further discussion and might possibly put a restriction that the home cannot be a 3 family home. Mr. Wolfe stated that the mortgage company would not refinance their mortgage until the Selectmen approved their construction permit. Ms. Silverman shared that when they put in the kitchenette, they now met part of the requirements for a 3 family residence and they may need to meet with the Zoning Board of Adjustment. The Selectmen would have further discussion and would follow-up with Mr. & Mrs. Wolfe. The Selectmen had a discussion with Terry Silverman, Chairman of the Planning Board. Ms. Favreau read the ordinance. Mr. Silverman stated that a variance for compliance was needed. Ms. Silverman asked Ms. Favreau to draft a letter referring to the ordinance and

stating the fact that they don't have the sanitary facility the Selectmen would allow the kitchenette to be there and in no way would it constitute a 3 family residence. Mr. Silverman mentioned that an occupancy certificate should be obtained to protect the town. The Selectmen agreed.

Map 27, Lot 2 – Mr. Holman made a motion to approve the permit for Map 27, Lot 2. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

MEMO FROM RECREATION DEPARTMENT
Re: Kayaking Excursions

Ms. Silverman reviewed the request from the Recreation Department to sponsor a series of kayaking excursions at Kev's Camp. The excursions would offer families 4 Thursday night kayaking adventures for \$25 per family of 4 (\$5 each additional family member). The dates were: June 16th, July 21st, August 18th, and September 15th from 5:00 – 9:00 p.m. The Selectmen liked the idea.

REVIEW FINAL BANKRUPTCY DECREE – RETTIG

Ms. Silverman reviewed the Final Decree of the U.S. Bankruptcy Court. The bankruptcy case was closed so the town was free to dispose of the property that was taken for taxes. Ms. Silverman asked if a tax lien was needed. Ms. Favreau would talk with Jane Wright, Tax Collector, to see what needed to be done. Ms. Silverman stated that once the information was received the Selectmen would have a discussion on what to do with the property and to possibly do an inspection.

REQUEST FROM CONSERVATION COMMISSION - SIGNS

Ms. Silverman reviewed the request from the Conservation Commission regarding the installation of "hiking trail" signs for both ends of the Class 6 section of Turner Road, in an effort to connect the Katie Metzger Town Forest with the Rhododendron State Park using the old woods road. The Selectmen discussed how people would know where they were going. Ms. Favreau shared that there were hiking trail maps.

Ms. Favreau asked whether the Lions Club was interested in doing the signs. Mr. Holman would find out and asked for a quote on the cost of the project to bring to the Lions Club. Ms. Favreau would ask Gene Cuomo, Road Agent, to get pricing. The Selectmen discussed the wording for the signs.

REQUEST TO REFUND AUTO REGISTRATION FEE

Ms. Silverman reviewed the letter from Heidi Wood, Town Clerk, regarding the request of James Cohen for a refund of the town's registration fees. Mr. Cohen registered the wrong car and received a refund from the State, as he satisfied the criteria for the refund.

Mr. Holman made a motion to approve refunding the town's registration fee of \$401 to James Cohen. Ms. Silverman seconded. Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

SEPTIC ISSUE – REQUEST FROM CARL HAGSTROM

Ms. Favreau reported on the septic issue that has come up at White's Grove. DES was requesting that the town verify that all of the houses haven't changed the number of bedrooms on the properties since 1967. Carl Hagstrom drafted a letter to DES Subsurface Bureau for the Selectmen to use to satisfy the request of DES, in which the Selectmen would state that to their knowledge there has been no changes to the property. Ms. Favreau shared that to research the number of bedrooms would be a tremendous job. Ms. Favreau offered to draft a letter stating that they don't have that information. Ms. Silverman stated there was no way that the Board of Selectmen could make a statement like that. Discussion was held on whether the homes were seasonal or year-round. Ms. Silverman asked that Ms. Favreau contact Carl Hagstrom and let him know the Selectmen couldn't sign something like that and Mr. Hagstrom could meet with the Selectmen if he wanted. Ms. Favreau would also let Mr. Hagstrom know that if he wanted to do the research, he could look at the old records.

REPORT FROM HEALTH OFFICER – SEPTIC ISSUE

The Selectmen reviewed and discussed. The Health Officer deemed the complaint to be unfounded.

POLICE CHIEF REQUEST FOR SEALED MINUTES

Ms. Silverman reported that Chief Leonard DiSalvo had requested the non-public minutes where he was in attendance. Chief DiSalvo wanted a response in writing if he wasn't allowed to view the non-public minutes. Ms. Favreau noted that the Selectmen voted to seal the non-public minutes. Ms. Favreau and the Selectmen reviewed the information from NHMA that talked about who has rights to view sealed non-public minutes. It states that "a member of the public has no right to review

the minutes if the board has voted to withhold the minutes from public inspection". Ms. Silverman asked Ms. Favreau to respond to Chief DiSalvo that the records were sealed and the Selectmen were not required to release them. Ms. Silverman also asked Ms. Favreau to state the NHMA wording. Ms. Silverman questioned whether the Selectmen should wait for Nancy Carney, since she was in attendance at those meetings but it would delay the response. The Selectmen were in agreement that the minutes were not to be released and asked Ms. Favreau to draft a response to Chief DiSalvo.

*** **NON-PUBLIC SESSION RSA 91-A:3 II(c) – INSPECTION REPORT**

At 9:03 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(c). Mr. Holman seconded and the motion passed 2-0. Roll Call vote: Mr. Holman - Yes, Ms. Silverman - Yes.

At 9:09 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Holman seconded and the motion passed 2-0. Roll Call vote: Mr. Holman - Yes, Ms. Silverman - Yes.

OTHER BUSINESS

PIPELINE

Kinder Morgan Statement – The Selectmen discussed and reviewed. Kinder Morgan stated that “as a result of inadequate capacity commitments from prospective customers”, Kinder Morgan and its subsidiary, Tennessee Gas Pipeline Company, have suspended further work and expenditures on the Northeast Energy Direct (NED) Project.

Arthur Cunningham - Ms. Silverman shared that Attorney Arthur Cunningham attended the rule making session. There would be an opportunity for public comment during the next phase. Ms. Silverman also shared that Attorney Cunningham wanted to know how the Selectmen wanted him to proceed. Ms. Silverman shared that until the application was actually withdrawn, we should follow up with the rule making of the FCC to make sure we were protected. The Selectmen agreed.

Rick Van de Poll – Ms. Silverman asked if Rick Van de Poll should continue with his list of wetland identification. The Selectmen agreed that Mr. Van de Poll needed to continue.

ON-GOING BUSINESS

Prime Wetlands Study

Mr. Holman made a motion to adjourn the meeting at 9:22 p.m. Ms. Silverman seconded and the motion passed. 2-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Susan Silverman, Chairman

Nancy Carney, Vice Chairman

Chris Holman
Board of Selectmen