



**BOARD OF SELECTMEN**  
P.O. BOX 725  
FITZWILLIAM, NH 03447  
(603) 585-7723 Fax: (603) 585-7744  
email: fitzwilliamnh@fitzwilliam-nh.gov

## **BOARD MEETING MINUTES**

### **June 15, 2015**

**Selectmen Present:** Nancy Carney, Chris Holman, Susan Silverman

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

#### **PRIMARY:**

\*\*\* **APPROVE MINUTES** – Ms. Carney made a motion to approve the minutes. Susan Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

\*\*\* **APPROVE MANIFESTS** – Ms. Carney made a motion to approve the manifests. Chris Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

#### **7:30 MEET WITH CONSERVATION COMMISSION**

The Board of Selectmen met with members of the Conservation Commission. Members present were: Paul Kotila, Chair, Rick Brackett, Jean Sable, Secretary, Dorothy Zug, Hiel Lindquist and Barbara Green

Ms. Carney reported that 1 proposal was received from Rick Van de Poll, Ph.D. of Ecosystem Management Consultants. Ms. Favreau shared that the Request for Proposal was sent to: Moosewood Ecological and West Environmental. Rick Brackett stated that he had talked with Jeff Littleton and he mentioned that he was working on submitting a proposal. Ms. Silverman stated that the Selectmen would be happy to receive proposals if they come in the mail on Tuesday. Ms. Favreau would scan and email the proposal received to Mr. Kotila. Mr. Holman stated that he wanted to vote on awarding the bid and Mr. Kotila would like to wait to see if another proposal comes in and that there needs to be more than 1. Ms. Favreau would contact Mr. Littleton to see if he would be submitting a proposal. Ms. Silverman stated that she is in agreement with Mr. Holman not to wait too much longer so that the project could be started. Ms. Carney stated that the Selectmen would forward any other proposals that were received and that it was the Selectmen's intention that the Conservation Commission be part of the approval process.

Hiel Lindquist shared that if an individual is awarded the project bid to make sure that the Board of Selectmen are not on the hook for someone else actually completing the project.

Ms. Carney shared that she is looking for a member of the Conservation Commission to work on the Wetland study and Ms. Silverman wants to keep everyone in the loop. Ms. Carney asked for a volunteer from the Conservation Commission. This would be an Ad Hoc Committee and would meet as needed.

Mr. Holman shared that it was important to work with other committees regarding environmental impact, bodies of water, site regulations, GIS map and flood storage.

Ms. Carney shared that the Ad Hoc Committee would work with Ms. Silverman and would include 1 representative from both the Planning Board and the Conservation Commission to cover all areas.

After the meeting with the Conservation Commission the Selectmen discussed the invoices from the Monadnock Conservancy in the amounts of \$10,188 and \$2,593. Ms. Carney stated that the Conservation Commission approved the payments from their Conservation fund. Ms. Carney made a motion to approve payment of both invoices. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

## 7:45 MEET WITH DONNA HILL

Nancy Carney thanked Donna Hill for coming in to talk with Selectmen about her ideas for gathering information from the property owners affected by the proposed pipeline route. Susan Silverman shared that she was excited about Donna Hill's ideas. Ms. Carney wants to get this started and talked about appointing a Task Force. Stephanie Scherr was also in attendance and would be willing to take on some of the information gathering. The Selectmen discussed who would be asked to serve on the Task Force.

Ms. Carney stated that once committee members are chosen, Ms. Hill would go through the process of gathering the information. Ms. Hill stated that there is an element of learning how to gather this information – use prepared questions – do word coding and compile that information into one large database. Ms. Hill would have an initial information meeting for Task Force members, who would also come back together to help guide the compilation of the gathered information.

Ms. Hill talked about the process and Ms. Carney said that at the July 6<sup>th</sup> information meeting for property owners she wanted to give them information about the Task Force and that they may be contacting them. Ms. Carney pointed out that the Task Force members may not have met with all of the affected property owners by the July 6<sup>th</sup> meeting. Ms. Hill suggested that there are two groups – affected and non-affected property owners and the Task Force would focus only on affected property owners.

Ms. Carney would like a letter sent out by the end of the week notifying the property owners affected by the pipeline about the Task Force and the July 6<sup>th</sup> information meeting. This letter would give Ms. Hill an introduction and the property owners would be asked to contact Ms. Hill through the Selectmen's Office should they have any questions. Ms. Silverman would like Ms. Hill to work on the letter with Debbie Favreau. Ms. Silverman stated that the letter is to be signed by Ms. Hill and the Selectmen and the letter should state that the information would be kept confidential and if we decided to use the information again other than forwarding to Attorney Cunningham, the property owners would be notified as this information could be used in legal proceedings.

Chris Holman is worried about Task Force members having a personal agenda and that maybe science-based people should be on the Task Force as behavioral issues have been brought up during previous pipeline meetings and Mr. Holman is concerned that Task Force members need to be unbiased. The Task Force needs to be comprised of 6 members and Ms. Hill suggested using someone from the outside – possibly Antioch students. They could do as an unpaid internship. The only drawback could be their schedule.

Ms. Hill shared that Task Force members can't collect data until they attend the training session and Ms. Hill foresees the interview to be structured with an agenda, part of which is written and also allow for additional information. Ms. Silverman stated that the data needs to be collected from the affected property owners on the actual route. Ms. Silverman would like to initiate the prime wetland study. Mr. Holman shared that some affected property owners are not full-time residents and how would the Task Force gather their information. Mr. Holman suggested possibly interviewing the property caretakers. Ms. Scherr cautioned that this could be a slippery slope. Ms. Scherr asked about property abutters and Ms. Silverman agreed that the route could shift but for now we need to start with today's actual route and once the Task Force has completed gathering this information maybe a few other properties could be added at a later time if the route shifts. Ms. Silverman shared a quote from a coalition member – "go in with a sword and shield to protect ourselves."

Mr. Holman said it is important to differentiate from scoping. Ms. Scherr thought that the information for scoping was to be done in two weeks. Ms. Silverman shared that the Town had not been contacted. Ms. Hill agreed with Mr. Holman's concern but felt that the information gathered is for legal purposes and not publicized. Ms. Silverman wants the letter written well and clear. Ms. Silverman would send the information wanted by Attorney Cunningham to Ms. Hill. Ms. Hill will look at her schedule and would schedule a couple training sessions to get this project moving. Ms. Carney asked that Ms. Hill contact Antioch for any students and go from there. Ms. Scherr would like to focus on what is going on in other towns as she is concerned about it. Ms. Silverman thinks this could happen in a separate meeting and wants the Task Force to be focused on Ms. Hill's concept. Ms. Silverman stated that having the July 6<sup>th</sup> meeting and completing this task could extrapolate into other meetings. Ms. Silverman wants there to be other places for residents to go for information. Ms. Silverman thinks that there are people that haven't thought about it and this could be educational for them. Ms. Scherr shared that some people own property but live somewhere else and one may own property on the pipeline route in two towns.

Ms. Scherr stated that compressor stations would be in Northfield and New Ipswich and wondered where this puts Fitzwilliam. Ms. Scherr thinks this is a strong possibility for Fitzwilliam, Richmond and Winchester but not so much for Troy. Ms. Silverman shared that this is very stressful. The Selectmen discussed property values going down near compressor stations.

## \*\*\* DISCUSS INVITING SENATOR SANBORN TO 7/6/15 MEETING

Mr. Holman saw Senator Sanborn last week and asked if he would like to attend the meeting on July 6<sup>th</sup>. Senator Sanborn said he might be available at 6:30. The Selectmen want to send Senator Sanborn an email asking if he was available to attend.

Ms. Silverman stated that at the meeting an update on the coalition would be given and to make sure we have reached out to all property owners. Ms. Silverman wants Ms. Hill to start working on gathering of information. After meeting with Ms. Hill

another letter would be sent out to the affected property owners. Ms. Silverman wants a Task Force set up with Ms. Hill as the lead to gather information.

The Selectmen stated that the July 6<sup>th</sup> meeting would be held upstairs and that there wasn't a need for a moderator. Ms. Silverman would like to invite other elected officials. Mr. Holman would like to have people write up questions for Senator Sanborn since he may be attending the meeting. The Selectmen want to keep the discussion only on the pipeline and they want the Southwest Region Planning Commission to publish information – i.e. mapping, highway, resources as this is what we want them to do for us.

Ms. Silverman wants to talk about what we are doing with other Towns. Mr. Holman brought up the pipeline sign and asked if it was ok to have it on Town property? Ms. Carney said it was very clear in the warrant article and was voted unanimously that the Selectmen would protect the Town. Mr. Holman would like to mention this to the Conservation Committee and the Historic Society.

After discussion, it was agreed by the Selectmen to invite Senator Sanborn to the meeting.

\*\*\*  
**DISCUSS ATTORNEY CUNNINGHAM WRITING LETTER**  
**Re: Docket 15-124**

At 7:15 p.m. Ms. Carney made a motion to go into non-public session under RSA 91-A:3 II(e). Susan Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 7:25 p.m. Ms. Carney made a motion to leave non-public session. Susan Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

\*\*\*  
**REVIEW LETTER FROM ATTORNEY HOPPOCK**

Ms. Carney reviewed the email from Attorney Hoppock regarding the boundary line adjustment between land owned by the Town and land owned by the Talbert's. It is Attorney Hoppock's opinion that the Board may proceed under the authority of RSA 41:11-a,1, to negotiate and enter into a boundary line agreement (in accordance with RSA 472:1, et seq.) with the Talbert's to adjust a common, disputed boundary line between the Town and the Talbert's without a vote of the Town.

Ms. Silverman would like to ask the Talbert's to come back in to meet with the Selectmen again. Ms. Carney said it should be taken to the Planning Board. Ms. Favreau asked if this needed to go through the whole process. Ms. Carney would bring as preliminary consult and ask how to proceed. Ms. Carney asked Ms. Favreau for the previous minutes reflecting this discussion.

It was noted that the Talbert's have paid for several years and the acreage is part of wetlands. The Talbert's have never disputed the tax bill. Ms. Silverman stated that it was time to straighten this out and give clear boundary and that the Talbert's have cooperated and got the survey done at no cost to the Town.

Ms. Carney reviewed the letter regarding the quitclaim deed from NH Fish and Game to the Town. The Selectmen discussed adding clarity to the intent of access to the property by the general public. Ms. Silverman shared that one thing was clear from the meeting a couple of years ago with Fish and Game that if the Town purchased the land that residents can't be restricted. Ms. Favreau would write to the person at NH Fish and Game and ask if there are any restrictions to this property.

Ms. Silverman stated that at the next Selectmen's meeting that a vote to accept be taken once all of the information had been received. Ms. Silverman stated that the Town get the property first and have a meeting with the Boat ramp group.

\*\*\*  
**DISCUSS LETTER FROM AVITAR**  
**Re: Abatement application**  
**Change of Use**

Ms. Carney reviewed the letter from Jonathan Rice, Assessor re: Map 42 Lot 2 Sub 98 (48 Plantation Way). The assessment was set at \$68,000 from \$112,000 and abatement on the \$44,000 value difference.

The owner paid \$75,000 for the property. It was noted that Avitar had already made the change before the Board of Selectmen had approved. Ms. Favreau checked to determine the billing amount, which was \$68,000. Ms. Carney wants to meet with Avitar as the Selectmen are concerned about them already changing a recommendation before the Board had met to discuss. Ms. Favreau would call Avitar and explain why the Board of Selectmen want to meet with them.

The Selectmen agreed to put this decision on hold until they meet with Avitar to discuss the situation.

Ms. Carney reviewed the letter from Jonathan Rice, Assessor re: LUCT – Map 2, Lot 12. Mr. Rice recommended that the market value of the 2.02 acre site being taken out of current use for construction of a driveway and home is \$28,000, revealing a \$2,800 LUCT.

Ms. Silverman made a motion to approve the recommended market value assessment for change of use. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

\*\*\* **REVIEW MEMO FROM TOWN CLERK**

**Re: change of date for registration of town vehicles**

Ms. Carney reviewed the memo from the Town Clerk regarding the change in date for inspections of Town vehicles. Selectmen discussed passage of SB231 – relative to municipal fleet inspections, giving authority to the Director of Motor vehicles to designate the month that municipal registrations have inspections. Currently, the Director is considering changing the inspection time from March to August or September and roll out the change this year. Town Clerks have been asked to poll their departments. If the change was made this year, the Town vehicles that were inspected in March would need to be re-inspected in August or September and funds would need to be budgeted for the additional inspection in 2015. Ms. Carney shared that if there is enough pushback the Director may consider waiting until 2016 to implement the change.

\*\*\* **STATE OF NH – DRIVEWAY PERMIT** – Ms. Carney reviewed the letter from the State of New Hampshire regarding Lot 9, Tax Map 18 – Route 12. The property owner applied to the State of NH, Department of Transportation for permission to construct a driveway adjoining NH 12 which was approved. Ms. Carney noted that the property owner had not applied for a building permit. Need to pay attention to this.

\*\*\* **REVIEW LETTER FROM UPTON & HATFIELD AND AVITAR**

**Re: Change of attorneys – Fairpoint Litigation**

Ms. Carney stated that the Selectmen received a letter from Attorney Raymond of Upton & Hatfield notifying them that Attorney Serge would be leaving their firm on June 12, 2015. Attorney Serge served as lead counsel representing the Town of Fitzwilliam in the Fairpoint utility tax abatement case.

The Selectmen discussed whether to remain with Uptown & Hatfield or choose another firm. If the Town remains with Uptown & Hatfield - Russell Hilliard and Justin Richardson would serve as lead counsel in this matter.

The letter from Avitar suggests that the Town should change firms and not just an attorney. Ms. Silverman wanted to know if there were other choices and Ms. Carney shared that if the Town moves to another firm there may be higher fees. Ms. Favreau would get more information and the Selectmen would discuss next week.

The Selectmen also agreed to wait to see what other Towns are doing.

\*\*\* **BUILDING PERMITS**

**Map 11, Lot 20** – Ms. Silverman made a motion to approve the permit for Map 11, Lot 20. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**Map 42, Lot 1-99** – Mr. Holman made a motion to approve the permit for Map 42, Lot 1-99. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**May 02, Lot 29-3** – Ms. Silverman made a motion to approve the permit for Map 02, Lot 29-3 and stated that the old mobile home needed to be removed. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**Map 33, Lot 2** – Ms. Silverman made a motion to approve the permit for Map 33, Lot 2. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**Map 30, Lot 09** – Ms. Silverman made a motion to approve the permit for Map 20, Lot 09. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

\*\*\* **DISCUSS DATE FOR CONFERENCE CALL – FAIRPOINT ABATEMENT**

Ms. Carney asked Ms. Favreau to schedule a conference call for next week.

\*\*\* **DISCUSS BOAT LANDING**

Ms. Carney reported that someone got their foot caught between two of the concrete logs but no medical treatment was sought. Ms. Carney asked how we address the danger for others getting caught. Ms. Silverman would look at the area and determine what needs to be done. The Selectmen would talk with Gene Cuomo as he had talked about adding more logs.

Ms. Silverman suggested painting the gap. Ms. Silverman shared that Mr. Cuomo had talked about the fact that the rocks have washed down. Ms. Carney wants to see what can be done.

**\*\*\* DISCUSS MEMO FROM SANDRA GILLIS  
Re: Brownfields Project**

Ms. Carney shared information that Sandra Gillis provided. Ms. Carney wants to work on the project with input from Ms. Silverman and Mr. Holman. CR Board is a concern but could be put back on the tax roll. Ms. Silverman doesn't want information that the Town might be interested in taking the property to get out. This could be good for the Town. Ms. Carney stated that this property was something that the community could use. Mr. Holman stated that maybe a Park and Ride site. Mr. Holman shared contact information with the Selectmen for municipalities purchasing land.

**\*\*\* DISCUSS MEMO FROM CHIEF DISALVO  
Re: Cell phone reimbursement**

Ms. Carney shared the memo from Chief DiSalvo asking to have his cell phone covered by the Town on a monthly basis for the Town use of his personal cell phone. Chief DiSalvo stated that a smart phone has amber alerts, emergency alerts, and is very useful for him. The cost is approximately \$100 and the bill will go directly to the Town.

Ms. Favreau shared that the Town had 5 flip phones and that Mr. Cuomo had mentioned that he may want reimbursement. Ms. Silverman stated that we needed to upgrade to smart phones. Ms. Carney said Town policy is that the Town would provide phones and questioned whether 5 phones was needed. Mr. Holman said phone needs to be attached to the positions. The Police department needs 2 – currently have 3. Ms. Carney said to upgrade 1 cell phone for Chief of Police and 1 for Hwy. Ms. Carney said the Fire Department and Ambulance doesn't need them as they don't get used. Ms. Silverman suggested that the Selectmen meet with Chief DiSalvo and Mr. Cuomo to explain the need and give an idea of what is wanted. Ms. Favreau read the policy regarding cell phones and Ms. Silverman shared that the policy needed to be updated. The Selectmen want to make it clear that cell phones would belong to the Town.

**\*\*\* DISCUSS MEADOWOOD BUILDING**

Ms. Silverman felt some confusion at end of last week's meeting and needed clarity about what is going on. Ms. Carney shared that Troy would move their truck tonight or tomorrow.

Ms. Silverman stated that pricing was needed on an alarm system and that Selectmen need a concept on how the building can be used, what is the protocol and who has keys and access. Ms. Carney said that a plan was needed before the budget season. Ms. Silverman said the Police Department wants to park their cruiser there. The Selectmen need to understand what they are saying yes to and more thorough discussion for potential and future use of the building is needed. Mr. Holman said there needs to be a master list of all Town owned property to make sure properties are looked at each year.

Ms. Silverman mentioned the easement of the property owned by Carol Berault and shared that if the Town doesn't use the property it would revert back to Ms. Berault.

Mr. Holman wanted clarity on dog licensing. The fine is \$50 and the Police Department or the Animal Control Officer hasn't made an effort to personally go to the owner. The Animal Control Officer phones owners on evenings and weekend days to go into the Town Clerk's Office.

Ms. Carney shared that if a dog owner couldn't afford to turn the dog over to the Humane Society, in the past, the Town had been billed. The Selectmen questioned who gave them authority to do this. Ms. Carney would like the Animal Control Officer to go to the Humane Society and ask who gave authority for the Town to be billed.

Mr. Holman shared that Chief DiSalvo said the Selectmen had voted down helping the Police Department with a porta potty for the car show. Ms. Carney said it was better for them to get donations since it is the Police Association. Mr. Holman asked about porta potty locations. Ms. Carney shared that Selectmen need to separate private from municipality.

**REVIEW:**

**\*\*\* VARIOUS COMMITTEE MINUTES**

Mr. Holman asked about the Town's subgroups (i.e. Garden Club) and do we have them listed so the Town doesn't have any liability? He stated that each organization should be listed to protect the Town. Ms. Carney stated that she would check into this.

Mr. Holman asked about the Garden Club getting permission from John Fitzwilliam to hold their plant sale on the common and why it didn't come through the Selectmen's Office. Ms. Carney wanted to list the Town property in the newsletter and indicating which department to get permission for use from.

Ms. Carney shared that the purple bus on Route 119 is being used as a camper and people are living in it. The property owner is planning on building a seasonal building. Ms. Favreau shared that they have applied for a burn permit and septic permit. Ms. Carney shared that a building permit hasn't been requested.

Ms. Carney discussed a shore line violation at Laurel Lake. Trees just north of the boat landing have been cut and 3 trees within 6 feet of the shore line have been removed. This is former Rettig (now H.G. Johnson, owner "Icehouse Point") property and the State DES needs to be notified about shore lines. Ms. Silverman reported that Paul Grasewicz had done a plan for Mr. Rettig and it would show if he took down the trees. Ms. Silverman saw equipment in to move soil and build rock steps - approximately 50 feet off the lake.

**Fireworks permit** for Nancy Nye – Bowkerville Rd on July 3<sup>rd</sup> and 4<sup>th</sup>. Mr. Holman made a motion to accept. Ms. Silverman seconded. Ms. Carney recused herself. Approved – 2-0

**Fireworks permit** for Greg Larson on July 4. Mr. Holman made a motion to accept. Ms. Silverman seconded. Approved – 3-0

**Raffle Permit at Chicken BBQ** – Mr. Holman made a motion to accept. Ms. Silverman seconded. Approved – 3-0

Mr. Holman reviewed corrections and additions to the newsletter.

Ms. Carney reminded members to call or email if they are unable to attend a meeting. Ms. Carney wanted to remind Selectmen to be mindful of their position as a member of the Board of Selectmen.

Ms. Silverman made a motion to adjourn the meeting at 9:35 p.m. Mr. Holman seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

---

Nancy Carney, Chairman

---

Chris Holman

---

Susan Silverman  
Board of Selectmen