



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
December 28, 2015

Selectmen Present: Nancy Carney, Chris Holman, Susan Silverman

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

PRIMARY:

***** APPROVE MINUTES**
- December 21, 2015

Mr. Holman stated he had questions about the last conversation held regarding Attorney Matthew Serge's letter and he felt that information from an attorney was to be discussed in non-public. Ms. Favreau shared she asked about this with Attorney Serge and was told that if it was regarding a public official it was held in public session. Mr. Holman also stated there were a couple of different reasons why it didn't belong in public session. Ms. Favreau stated she had specifically asked the question of Attorney Serge. Mr. Holman asked that NHMA be contacted to find out if this was correct and Ms. Favreau reviewed RSA 91-A:3 II(c) regarding a non-public session involving a public official. Mr. Holman stated it was being interpreted wrong and if previous information wasn't put in public session it made Mr. Holman look bad as this was something coming out in the minutes. Mr. Holman also stated he needed to go through the minutes and raise issue with the information.

Mr. Holman asked that in the future if he was on the agenda that he would appreciate a heads up. Mr. Holman shared he didn't want to contact NHMA before approving the minutes as he wanted to bring it up. Ms. Carney stated that if approval of the minutes was postponed until next week it would allow time to get something in writing as to why discussion could be held in public session. Ms. Favreau reviewed the information in Attorney Serge's email regarding discussion being held in public session – since it was not attorney/client information – RSA 91-A:3 II(c). Mr. Holman stated that he disagreed. Ms. Silverman shared the concern that minutes had to be produced within 5 days and suggested that in order to resolve the issue the Selectmen have a phone conference with Attorney Serge and move on. Ms. Silverman stated there was a lot of work to do and rather than pay another attorney when Attorney Serge had already look into this matter, we had to assume he was doing things correctly as we can't second guess him. Mr. Holman asked if any other attorney had been approached as he was concerned there could be a conflict. Ms. Carney shared the recommendation came from the Local Government Center. Ms. Silverman stated it would be up to the attorney to disclose if there was a conflict. Ms. Favreau read RSA 91-A:3 II(c). Mr. Holman stated the need to look at the way things were done – across the board. Ms. Favreau stated she had specifically asked Attorney Serge and he quoted RSA 91-A:3 II(c). Ms. Silverman stated the minutes could be approved and not posted on the website as this was done as a courtesy.

Ms. Silverman asked Ms. Favreau to find out Attorney Serge's availability and make an appointment for a conference call and the Selectmen could come in just for that – as long as it was an announced meeting. Ms. Carney stated it was an opportunity for the Selectmen to get answers to questions. Ms. Favreau stated she would try to schedule the conference call for next Monday during the day or early evening. Ms. Silverman stated legally something needed to be done and to wait and post the minutes after the Selectmen talk with Attorney Serge.

Ms. Silverman made a motion to approve the minutes. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman - No, Ms. Silverman - Yes. Approved – 2-1

***** APPROVE MANIFESTS**

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

7:15 NON-PUBLIC SESSION – RSA 91-A:3 II(a)

- **Meet with Jane Wright – Tax Collector**
- **Employee Evaluation**

At 7:16 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(a). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 7:31 p.m. Mr. Holman made a motion to leave non-public session and seal the minutes. Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 7:31 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(a). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 7:36 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes. Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

***** PIPELINE**

- **Information from Attorney Arthur Cunningham**

Ms. Favreau shared the information received from Attorney Arthur Cunningham regarding corrected estimated tax revenue for the Town of \$993,930 as listed on the NED East Market – November 2015 Estimate – NH, as a result of moving the compression station from Fitzwilliam to New Ipswich.

Ms. Silverman shared she hoped to have gotten a report from Rick Van de Poll regarding Scott Pond and the Gaseau property to forward to Attorney Cunningham. Ms. Favreau would email Dr. Van de Poll and ask that the report be sent directly to Attorney Cunningham and to copy the Selectmen. Discussion continued on the timeline for the completed report and designation timeframe. Ms. Silverman shared that she hoped the Selectmen could work more closely with the Conservation Commission. Mr. Holman asked about Boyce Pond and possibly having someone from the State come in and have a post discussion on it.

***** CITY OF KEENE – HOUSEHOLD HAZARDOUS WASTE**

Ms. Carney reviewed the Letter of Commitment for Household Hazardous Waste Collection Project, 2016-2017 Series from the City of Keene in the amount of \$2,697 for 24 collections (12 Collections – Summer/Fall 2016 and 12 Collections Spring 2017).

Mr. Holman made a motion to approve the Letter of Commitment for Household Hazardous Waste Collection Project, 2016-2017 Series in the amount of \$2,697. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

***** BUDGET**

Ms. Favreau reported that a budget transfer needed to be done as the insurance budget was over. Ms. Favreau shared that all other budgets were fine. Ms. Silverman made a motion to move \$1,517.45 from the Welfare budget to the Insurance budget. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

Ms. Silverman asked that a reminder be sent out to the Cemetery Commissioners reminding them that they haven't spent anything on Phase 2 of their records preservation project and asking for an update on the project. Discussion was held on Capital Reserve, Expendable Trust Funds, which funds carry forward and which completed projects needed to be closed out.

***** REVIEW CORRESPONDENCE FROM ATTORNEY MATTHEW SERGE**

- **Personnel Matter**

OTHER BUSINESS:

Thank you – Helping Hand Center

Ms. Silverman asked about the tree service and Ms. Favreau shared that she had left a voicemail message asking the arborist to come in and meet with the Selectmen but she hasn't heard back. Discussion continued on trimming work done, planting, the need to make some adjustments, and looking at the depot common, common and area around the Town Hall. Mr. Holman asked about the trees in

the cemetery and Ms. Silverman shared that the Cemetery Commissioners take care of that. Discussion continued on the previous planting of lilacs on the common, using vegetation as a buffer instead of a fence, management plan to take care of trees, previous planting of a Christmas tree in the depot common, the area being too wet, moving the flag pole back, and planting a tree that could handle the wet ground. Ms. Favreau would contact the arborist again to try and schedule an appointment with the Selectmen.

Ms. Carney asked for a list of those due for appointments in March. Mr. Holman mentioned that the Town of Winchendon had a nice listing of opportunities to serve on Commissions/Committees and Ms. Carney asked that information be posted on the Town's website.

Ms. Carney shared that she heard there might be something wrong with the truck the Gene Cuomo was considering bidding on.

Mr. Holman asked Ms. Favreau if she had heard from a representative for the Town of Swanzey regarding trails and Ms. Favreau shared that she and Sandra Gillis both had tried contacting someone and left messages but hadn't heard back. Mr. Holman stated he would follow-up.

Mr. Holman made a motion to adjourn the meeting at 8:02 p.m. Ms. Silverman 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