



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
July 09, 2020
9:00 A.M.

Selectmen Present: Daniel Baker, Robyn Bates, Charles Kenison

Guests: (via conference call) Dana Pinney, Robert Ford, Jean Ford, Barbara Dominique, Ryan Elliott, Kim Heald,
and in person Robert Nolan

Mr. Baker called the meeting to order at 9 a.m.

PRIMARY:

PUBLIC COMMENT – No Comment

***** APPROVE MANIFESTS**

Ms. Bates made a motion to approve the manifests. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

***** APPROVE MINUTES**
- June 25, 2020
- July 1, 2020

Ms. Bates made a motion to approve the June 25th and July 1st minutes. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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

***** DISCUSS EMAIL FROM LIBRARY TRUSTEES REGARDING WORK ON LIBRARY**

Mr. Baker reviewed the e-mail. The Library Trustees are looking for additional bids. The Selectmen's concern is that once they have a bid and it's opened and discussed, they didn't want to create an unfair situation for the contractor by having the amount of their bid made public. Ms. Bates mentioned who received bids. Mr. Baker would discuss with the Library Trustees. Mr. Baker stated the Town's bid process was followed. Mr. Baker mentioned that prior to this, the Library Trustees had met with the Selectmen and because the Selectmen were doing quarterly inspections to be able to maintain Town owned buildings, the Library wanted to come in on the project for maintenance. Mr. Baker wanted to make sure they were aware of the process that was done.

Mr. Kenison wanted to make sure that the Selectmen talk with the Trustees. Ms. Bates shared that bids were sent to some of the contractors mentioned by the Library Trustees and they shouldn't have another opportunity to bid as they didn't respond to the original bid invitation. Ms. Bates noted that she was fine if the Trustees wanted bids to go to the others that weren't sent a bid invitation.

***** DISCUSS SALE OF TOWN OWNED PROPERTY**

Mr. Kenison met with the realtor and she stated that the property needed to be cleaned up. The cost would be \$2,000 for both Meadowood and the Rettig properties. Also recommended was a septic inspection at a cost of \$300. Mr. Kenison met with John Holman who put the septic system in at Meadowood. The Town would need to hire someone to remove the moldy ceiling that is caving in. Ms. Bates asked if there would be any return on it.

Mr. Kenison made a motion to clean up the two properties. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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Realtor Anna Schierioth recommended to advertise with the know issues, as she felt it was a better practice. She would list both properties at a 5% commission. The Selectmen were in agreement to move forward.

LETTER FROM AVITAR

- **ABATEMENT RECOMMENDATION**
- **MARK STETSON LEAVING AVITAR 12/31/20**

The Selectmen reviewed the abatement recommendation from Avitar for the following properties:

Map 7, Lot 33 – Mr. Kenison made a motion to deny the abatement. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

Map 11, Lot 12 – Ms. Bates made a motion to deny the abatement based on Avitar's recommendation of market value and estate sale. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

The Selectmen reviewed and discussed the letter announcing that Mark Stetson was leaving Avitar on December 21, 2020. The Selectmen agreed that they wanted to find out where Mr. Stetson was going.

INFORMATION FROM RICHARD DWIINELL REGARDING HIS GARAGE

Ms. Favreau shared that Richard Dwinell called and stated that a plow truck had hit his garage. Ms. Bates suggested that the Selectmen do a site visit and to also ask the Highway guys if they had any recollection of this.

HIGHWAY DEPARTMENT

- **REVIEW BUDGET**
- **SEALING ROADS**
- **TRANSFER STATION PRINCIPAL OPERATOR LICENSE**
- **INFORMATION REGARDING TREES ON UPPER GAP MOUNTAIN ROAD**

Review Budget – Mr. Baker shared that he had asked Ms. Favreau for a budget review of the highway department and a print out through the end of this week - including payroll as well as expenses. Mr. Baker wanted to review with the highway guys on how to manage expenses going forward. Mr. Baker proposed that the highway guys in the normal course of highway management - allow them to order gravel and culverts. Mr. Baker asked the highway guys to look at Abel Road and some other roads that are in tough shape and in need of coating. They are checking on the cost of hot top. It is the cheapest way to get a couple years out of the roads. Ms. Favreau shared that she had paid the big paving bill, it was after Rhododendron Road. It was noted that there is money for gravel and hot top but any larger projects, Mr. Baker would authorize or the Selectmen would authorize, if large enough.

Sealing Roads – Mr. Baker stated there are new roads with center line cracks. The Town has put money into those roads and we need to do something to protect them. Mr. Baker mentioned East Lake Road and shared that if we don't seal, we will end up with cracks and the pavement lifts. Mr. Baker also mentioned getting a price to fix a few roads. Ms. Bates stated that the Selectmen needed to collectively manage the cost. Mr. Baker would bring the information back to the Selectmen. The highway guys would go through and make a record of each road.

Ms. Bates mentioned that building maintenance is over budget and they needed approval going forward to expend. The signs and notices ordered by the Selectmen put them a little over budget.

Mr. Baker stated the budget is running where it should be. Ms. Bates asked about using the highway department phone when on-call. Mr. Baker explained that they were using their personal cell phones. Ms. Bates asked about compensating for being on-call and for using their cell phones. Discussion was held on getting a phone for the highway department that would be used by the person on-call. Mr. Baker stated that he was the on-call backup.

Transfer Station Principal Operator License – Ms. Favreau shared that someone needed to be certified for recycling at the Transfer Station. Mr. Baker would look into whether Christopher Silva was certified.

Mr. Baker stated that opening the Transfer Station to recycling was causing traffic problems on Route 12. Discussion was held on reopening recycling and having two guys and adding a day or two. Adding one day would be three days that the Transfer Station would be open. Ms. Bates stated it would change the Gaylords being taken out and touching the items. It was suggested if using two lines and staggering it would be helpful to have two guys assisting and one guy directing. Mr. Kenison would discuss adding an additional day with Richard Goodnow. Ms. Favreau would update the website.

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Information Regarding Trees on Upper Gap Mountain Road – Ms. Favreau shared that Mr. Ford has sent in a letter. Ms. Bates shared that the pictures weren't clear.

Ms. Bates suggested that in addition to visiting Richard Dwinell's property, the Selectmen would look at the marked trees on Upper Gap Mountain Road. Mr. Ford would appreciate getting a heads up if taking a site walk. Mr. Baker stated that Ms. Favreau would give notice.

Mr. Kenison mentioned the highway guys would be using the laptop and they had talked with him about it. Mr. Kenison shared that he had talked with Christopher Rocheleau last night. Mr. Baker stated he was very happy with how the highway guys have been handling issues. Ms. Bates asked if they feel they can keep up being down a full-time equivalent. Mr. Baker shared that the inventory of the roads is being done.

9:45 MEET WITH THE VOLUNTEER BROADBAND TASK FORCE

Dana Pinney reviewed the CARES Act RFP information. Mr. Pinney shared that he and Kim Heald attended the SWRPC webinar and at this time there are no additional funds from the Federal Government in a relief package. Mr. Baker asked Task Force members to keep their momentum going.

Mr. Pinney shared that Ms. Heald has set up a google account. She has linked the Selectmen to the site. This would be an on-going site to share information on Broadband. Mr. Pinney shared that they need to get the information out regarding the site and asked if Ms. Favreau could post the link on the Town's website. The Task Force would like to create a simple post to show the link to the google account on the Fitzwilliam Community Facebook page and close off to comments. Mr. Pinney asked permission to post a notice on the Fitzwilliam Community Facebook page and to their google site with information on Broadband. The Selectmen approved.

10:00 DISCUSS DRAFT PETITION FROM RESIDENCE OF BOWKERVILLE ROAD

The Selectmen have reviewed. Ryan Elliott spoke to the Petition. The draft addressed the excessive and unreasonable use of guns and explosive at 103 Bowkerville Road. The neighbors of 103 Bowkerville Road over the past two-three years have been subjected to this noise. This is denotation, shaking people's homes and it has become unbearable. Mr. Elliott stated that it is an appeal to the Town and the Police Department to grant them some peace and quiet to enjoy their homes. The neighbors have discussed this issue with the owner of 103 Bowkerville Road and he has shown no interest. Mr. Elliott stated the neighbors have a right to peace and quiet and not having to live in a war zone.

Chief Leonard DiSalvo shared that the Police Department has been dealing with the complaints. There have been 12 complaints over the past couple of years. On Sunday, Officer Moore had gotten information from the neighbors and the property owner of 103 Bowkerville Road has been charged with disorderly conduct. Chief DiSalvo shared that he would discuss the size of the area with the Town's prosecutor. Mr. Baker stated it was the rule of proximity of 300 feet from a dwelling. Chief DiSalvo shared that the Police Department has been to the property several times and the owner has a proper backstop. Ms. Bates asked about Tannerite and if the Petition coming in could be a warrant article and have an ordinance. Mr. Baker shared that if we move forward with a noise ordinance, Chief DiSalvo recommended having a general noise ordinance and not a particular item, which would require multiple ordinances. Mr. Baker mentioned that Tannerite was being looked at by the State. Mr. Elliott voiced his approval of looking into a general noise ordinance. The owner is within his right to shoot a gun at 103 Bowkerville Road. Mr. Elliott stated that it was great to hear that the disorderly conduct was on the books. Chief DiSalvo shared that he hasn't had a complaint for eight hours of shooting. Chief DiSalvo shared that shooting during the day can't be restricted. Ms. Bates asked what defines reasonable in the prosecutor's eyes. Chief DiSalvo stated that he didn't know. The prosecutor couldn't find anything on the books to state hours during the day. Mr. Baker stated if we can't manage within the existing Statute that maybe we need something a little stronger that the Town can manage.

Discussion was held on causing reasonable alarm. Robert Nolan shared that when he makes a complaint shooting has gone on for three hours. Mr. Nolan discussed the backstop and the potential of someone getting hit. Chief DiSalvo shared that the property owner has a proper backstop and noted the 300 foot perimeter is to stop the stray bullet. Ms. Bates discussed the conversations that she has had with residents regarding the noise and their fear of stray bullets. Mr. Elliott suggested reviewing Chapter 110 of the Town's ordinance and this may apply to Tannerite. Mr. Elliott shared that he was trying to give as many tools as possible. Mr. Baker stated that if changing the ordinance to be more restrictive, it would need to go to Public meeting. Mr. Baker didn't want to get to a point and stopping. Mr. Baker wanted to stop this from happening beyond this. Chief DiSalvo shared that disorderly conduct is a criminal charge and goes on your record. Ms. Bates mentioned the 12 complaints and suggested that the residents need to complain to the Police Department.

Mr. Baker stated that he was in favor of an ordinance. Ms. Bates stated that she was in favor of an ordinance as well. Ms. Favreau shared that an ordinance would need to be written by the Planning Board. Ms. Bates asked Chief DiSalvo to talk with the prosecutor to find out if there was any leeway if it escalates. Ms. Bates also asked for the Police Department to be more diligent and to follow up as this is a serious matter. Chief DiSalvo shared that they have followed up and have

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brought disorderly conduct charges against the property owner. Mr. Ford mentioned that this was a good example of the Police Department. Mr. Baker stated that the Police Officers have responded and have cited him. We need to determine the next course of action: look at a noise ordinance, look at escalation, and waiting 3 months to hear because of Covid-19. Mr. Kenison mentioned the owner stated that it was his second amendment right, having a backstop and within 300 feet. We have nothing to charge him with if he is within those requirements. Mr. Baker stated that when neighbors feel threatened, they need to call the Police Department to complain. Chief DiSalvo shared that if he was shooting for six hours during the day, he wouldn't have been able to be charged with disorderly conduct. Mr. Kenison stated the only remedy was to go to the Planning Board to work on an ordinance. Mrs. Ford asked if the Police Department was doing any surveillance or undercover work since it has been going on for two years. Mr. Baker stated no. Mrs. Ford asked if there has been any surveillance. Chief DiSalvo shared that the Police Department follows up and there isn't anything they can do.

Mr. Kenison recommended that since the State is looking at Tannerite, that all of the signees of the Petition contact their representatives. Mr. Elliott shared that they are doing that. Mr. Baker shared that he has spoken with Senator Jeanne Dietsch. Chief DiSalvo shared that he has talked with her as well.

10:30 MEET WITH CHIEF DISALVO NON-PUBLIC SESSION - RSA 91-A:3 II(e) - LEGAL

At 10:51 a.m. Mr. Kenison made a motion to go into non-public session under RSA 91-A:3 II(e). Ms. Bates seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

At 11:15 a.m. Ms. Bates made a motion to leave non-public session. Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

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

At 11:15 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(c). Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

At 11:34 a.m. Ms. Bates 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. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

INFORMATION

The Selectmen agreed start discussion on reviews for the Town Administrator and the Police Chief on Thursday, July 23rd.

ON-GOING BUSINESS:

***** STEEPLE PROJECT** – Mr. Baker mentioned that he has been working with Jay Southgate and there is approximately \$300,000 left in funding for the project. The project is \$120,000 under budget. Mr. Southgate is trying for July 14th for moving the steeple but it is dependent on the weather as the vehicles can't travel with any adverse weather. The steeple is expected to be delivered back on site on July 14, right now not looking good weather wise, there is some work to do before the steeple can be installed. Mr. Baker mentioned that he and Mr. Kenison have cut some boards, and would like to have signatures of those that have made donations towards the steeple work, to keep with the signatures that were written earlier when the steeple was built and repaired.

Mr. Baker mentioned the process to assemble the components and install. This process would take two days but would be two weeks after the components have been delivered on site. Ms. Bates wanted to know how we would get the word out to the community. Mr. Baker shared that Ms. Favreau was working on a Facebook page. Mr. Baker would put something out on the Fitzwilliam Community Facebook page. Mr. Ford stated that he had tried to be part of the Fitzwilliam Community Facebook page, but was denied. Mr. Ford wanted to make sure that the Selectmen were aware that it doesn't include all of the community. Mr. Baker explained that the Selectmen do not manage the Fitzwilliam Community Facebook page.

Mr. Ford stated that the Selectmen have mentioned the Facebook page at each meeting and he hasn't been able to join, and if the Selectmen don't want them (Fords) to be part of it, that was fine. Mr. Ford stated that they would get the information from the Town's website. Mr. Baker stated that the Town doesn't manage the Facebook page and the Town didn't create that site. Mr. Ford mentioned that he and his wife were part of the Troy Community page and suggested that Fitzwilliam create something like Troy. Mr. Baker mentioned that the Town would only be posting on the page as they are not the creator or manager of the page.

***** AMBULANCE SERVICE**

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***** SOLAR - NON-PUBLIC SESSION - RSA 91-A:3 II(e) - LEGAL**

At 11:37 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

At 11:45 a.m. Ms. Bates 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. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

***** TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT**

- **Unregistered vehicles**
- **Debris and junk in yards**

Meeting Schedule: *To be determined on a weekly basis*

Ms. Bates made a motion to adjourn the meeting at 11:47 a.m. Mr. Kenison seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Daniel Baker, Chairman

Robyn Bates

Charles Kenison
Board of Selectmen