



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**September 12, 2019**  
**9:00 A.M.**

**Selectmen Present:** Daniel Baker, Robyn Bates, Charles Kenison

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

**PRIMARY:**

**\*\*\* APPROVE MINUTES**  
**- September 4, 2019**

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

**\*\*\* 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

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

**\*\*\* CONSTRUCTION PERMIT**  
**- Map 41, Lot 1**

**Map 41, Lot 1 –** Ms. Bates made a motion to approve the Construction Permit for Map 41, Lot 1. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit wasn't needed.

**9:15 MEET WITH EILEEN ROY**

Eileen Roy met with the Selectmen to discuss her property. Mrs. Roy asked about the 5 acres that has her leach field on it, as she had just discovered that it was taken by the Town. Mrs. Roy paid to have the property (family owned) subdivided and she was allowed to keep 5 acres, she thought it included an easement for the leach field. Mrs. Roy shared that she didn't actually purchase the 5 acres. Mrs. Roy's realtor wasn't certain if someone would want to purchase the 5 acres with Mrs. Roy's leach field on it. She asked the Selectmen what they could do. The process of notification and taking by tax deed was explained to Mrs. Roy. It was noted that the Town has owned the property since 2014. Mr. Baker explained the Board's policy for taking property and shared that they don't typically take a primary residence. Mr. Baker felt that was probably why the 5 acre property was taken.

Mrs. Roy stated she was selling her home and the leach field was across the road on the 5 acre property. Ms. Favreau asked if it was a deeded easement. Mrs. Roy didn't know. Ms. Favreau shared that if it was in her deed, no one who purchased the property would be able to make her dig up the leach field. Mr. Baker discussed the possibility of putting the 5 acres out to bid to align with Mrs. Roy selling her property. Ms. Favreau shared that in Mrs. Roy's deed it contained an easement for the leach field. Mr. Baker stated the Selectmen were willing to work with Mrs. Roy within their legal boundaries. Ms. Favreau gave a copy of the deed to Mrs. Roy to assist her in getting a copy of the deed to the 5 acres.

Mrs. Roy asked about her back taxes and the Selectmen stated that they were bound by the State's interest rate. Mrs. Roy thought that the property would go on the market around March 15<sup>th</sup>.

Mrs. Roy thanked the Selectmen for their time.

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**10:00 PHONE CALL WITH JAY SOUTHGATE**

Mr. Baker shared that Jay Southgate was to submit his additional estimate by the end of August. Mr. Baker had asked Mr. Southgate to combine the additional work with the work that was already estimated, as Mr. Baker wanted the best pricing on using Mr. Southgate's most efficient construction method, by phases and factoring in the LCHIP costs. The Selectmen reviewed and discussed. The Selectmen agreed that they preferred the estimate by phases. This was needed for the purpose of comparing to LCHIP. Mr. Baker didn't think it was \$750,000. Mr. Baker wanted the updated bid before October 4<sup>th</sup> – which was the date the steeple would be taken down. Mr. Baker stated that he was willing, as a last resort, to pay by the hour to get the steeple down. The Selectmen were in agreement on what they needed.

Mr. Baker shared with Mr. Southgate what the Selectmen needed from him regarding pricing and the plan for removal. Mr. Baker shared that the Selectmen wanted to take what was submitted (regarding price) using Mr. Southgate's most efficient building method, what the fixed price would be and from that, the Selectmen could understand the additional costs for preservation (best estimates). The Selectmen wanted to get a sense that this was Mr. Southgate's best method of replacing, restoring versus what LCHIP has for a historic restoration, to help determine if the Selectmen pursue the LCHIP grant and at the same time have a best estimate on the cost to complete the project.

Mr. Southgate shared the challenge for him was the way the job has unfolded and was very different from what he was used to. In 2017 he submitted a fixed price proposal of \$333,800 and the reason that he didn't propose any work down to the attic floor was that it wasn't included in the engineering report and he didn't want to state that the engineers work wasn't adequate. Now, it was down to the attic floor, \$333,800 in 2017 and now the work taking place in 2019 and 2020 was running at 2% per year and at 1% for a ½ year comes to 351,758. Mr. Southgate stated that if his original proposal had been accepted as proposed and the work had been delayed 2 ½ years, to increase that amount to \$351,758 would be standard practice. So when it turned out that the problems went down to the attic floor, with the new bell deck and the work in the tower – the scope had doubled. If they calculated the base surface from the belfry on up and the new bell deck and tower, Mr. Southgate didn't know what those numbers would be. The additional work for the tower requires capping and custom steel fabrication, which would start on Monday. Mr. Southgate shared that the design was about done. Mr. Southgate stated that he has been working by the hour up until this point and he could give a fixed price, both were fine. Mr. Southgate shared that it was the middle ground and doesn't know what it means to give the lowest fixed price and bill by the hour. Mr. Southgate has been under the impression that he had a series of allowances and would bring in as least expensive as he could or he could do a fixed price. Mr. Southgate's proposal represented 2 days of work to repair, so if the Selectmen wanted him to bid the additional work, that would take him two days and he was happy to do this. Mr. Southgate shared that he was on the road but he thought they had a discussion and he followed it up with some letters that included the increases for what he imagined LCHIP might require. He is struggling with, was he working by the hour or working on a fixed price. Mr. Baker stated the Selectmen needed to get this settled today, whether it was a not to exceed price, a best estimate, or to do in phases and pay Mr. Southgate in materials/labor and go forward. Mr. Baker noted that the Selectmen needed to get a best estimate from Mr. Southgate based on the level of work put in to-date and the Selectmen were willing to pay the fee to get a more detailed estimate. The Selectmen understood what a best estimate included. Mr. Baker asked what Mr. Southgate recommended. Mr. Southgate shared that the last time he was on-site was to meet with the crane guy and this wasn't billed time, the previous on-site visit was with the engineer to come up with a design for the structure in the tower, which has been done. Mr. Southgate was willing to rewrite the entire project as if bidding new, if that was what the Selectmen wanted him to do. Mr. Southgate stated that there was no denying the increase in cost with the increased scope of work. Mr. Southgate noted that he went back to his original proposal and adjusted the number line by line until they came to \$750,000. Mr. Southgate looked at \$750,000 as a not to exceed cost and he would try to bring in under that amount.

Mr. Southgate explained how he bids a job. He stated that one possibility was to leave the \$750,000 as a not to exceed cost. Mr. Baker asked if the billing process would be to look at each phase. Mr. Baker wanted to have something to compare to and asked how that would work. Mr. Baker wanted a more efficient billing process. Mr. Southgate admitted that to-date the billing has been pretty casual and he shared that only 2 things have happened so far – the design was under the estimated cost and the exterior work included the clock and other architectural millwork. Ms. Bates asked about the 2 days of detailed estimation work and that the Selectmen were okay with the original, just need the detail from the attic floor to the original. She asked if that was 2 days. Mr. Southgate shared that it wouldn't be 2 days. Mr. Baker wanted to clarify in what the Selectmen were asking for. Mr. Baker stated he understood the fixed price and asked if the Selectmen would pay Mr. Southgate by phases. Mr. Southgate explained that a typical contract identified a schedule of values. Painting was so much, demolition, etc. and then at the end of every month payment was at 50%, then the retainage was paid at the end of the job. Mr. Southgate typically has benchmark payments included in his contracts. Ms. Bates asked how the Selectmen could tie that back into what has already been paid. That's what the Selectmen were looking for. Mr. Baker stated if we want a fixed price. Mr. Baker asked what the Selectmen wanted. Ms. Bates shared that Mr. Southgate backed into the \$750,000 number and she wanted to know how that was a best estimate. Mr. Baker stated it was a not to exceed estimate. Mr. Baker reviewed the process to date: Mr. Southgate was asked to submit a proposal to the Town, then an architect, Dave Drasba asked Mr. Southgate to bid on his specs and Mr. Southgate declined. The Town then notified Mr. Southgate that his bid was accepted. Mr. Southgate reviewed the work and realized that there was additional work to be done and the cost could come to \$750,000 but

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Mr. Southgate didn't believe it would. Mr. Southgate was working against the allowance of \$750,000 and was very careful in how he billed the Town. Mr. Southgate stated he was happy to give a fixed price for the whole project and noted that his proposal was adjusted for inflation. Mr. Southgate shared that he was happy to either give a fixed price or to carry on as they have been – time and materials against that allowance. Mr. Southgate stated that it was a very busy time for him now to write up a new proposal. Mr. Baker stated the Selectmen would decide on how to proceed and would get back to Mr. Southgate. Mr. Baker thought that the Selectmen would agree that whatever they do, they needed to get the steeple down and would continue under the current pricing structure to get the steeple down. Mr. Baker thought it would be easier once this got settled. Ms. Bates asked if Mr. Southgate had insurance to cover any loss on the work that he has done. Mr. Southgate stated he had already sent his proof of insurance and the Selectmen were welcome to review it. Mr. Southgate discussed how he was insured. Mr. Southgate asked Ms. Bates to let him know if she had any questions about it. Mr. Baker stated the Selectmen would contact Mr. Southgate. Mr. Southgate stated he was on the road today and his policy was not to answer the phone while he was driving. Mr. Southgate thanked the Selectmen for meeting with him. The Selectmen thanked Mr. Southgate as well.

Ms. Bates stated that Mr. Southgate's numbers were all over the place and they don't match. Ms. Favreau shared that if it's a fixed price, they pay what the not to exceed number was. Ms. Favreau asked if the \$750,000 was a real not to exceed number. Ms. Bates asked if the Selectmen knew Mr. Southgate was going up a percentage each year. Ms. Favreau asked if the additional work would constitute doubling the cost. Mr. Kenison stated he was comfortable with the cost of \$750,000. Ms. Bates asked if the extra was the LCHIP restoration and if we didn't go with LCHIP. Ms. Favreau noted that the funds weren't specifically for the project, it was for all Town buildings. If the Selectmen decided to go with the \$750,000 they would want Mr. Southgate to put it in writing. Ms. Favreau shared that we needed a certificate of insurance as Mr. Southgate's expires September 2019. The Selectmen thought that Mr. Southgate would continue to bill as he has been. Ms. Bates asked if it would be a contract. Mr. Baker stated they would need a proposal.

Dana Pinney asked about who would guarantee the work of Mr. Southgate. Mr. Baker shared that Mr. Southgate has been working with an engineer. Mr. Pinney asked about who would verify the work has been done. Mr. Baker thought that this should be added to the proposal. Mr. Baker shared that October 4<sup>th</sup> was crane day and that before this, the exterior work would be done along with bringing in a steel structure which would be set in and a roof would be built on top of the structure. It was noted that someone could be brought in to determine if the work was done correctly. Ms. Bates asked who verified the structure of the work. Ms. Favreau asked if someone from Mr. Southgate's team could guarantee his work. Mr. Baker thought that it made sense for the Town to hire an engineer. Ms. Favreau asked if Mr. Southgate's engineer would sign off on his work. Mr. Baker agreed that once we have the design and the steel, that it could be inspected up to 3 points by the Town's engineer during construction. The Selectmen agreed to have the cost included in the proposal. Ms. Bates clarified what was needed from Mr. Southgate: new certificate of insurance, \$750,000 do not exceed document, actual billings towards proposal, outside engineer to verify work done at 3 points during construction, to be included in price.

Mr. Kenison made a motion to approve Mr. Southgate's not to exceed \$750,000 based upon the detail that was recapped. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

**10:45 MEET WITH SUZANNE GRAY**

Suzanne Gray and Barbara Young met with the Selectmen to discuss communication. Ms. Gray shared that at the last meeting, the Selectmen requested to discuss the MOU and they thought they were doing what the Selectmen wanted them to do was with Land Use. Mr. Baker wanted to know if the Planning Board thought that additional concerns should be included in the MOU. Mr. Baker stated he has a couple of concerns and asked that someone actually read it. Mr. Baker shared that it came back to the Selectmen that no one has read or discussed it. Mr. Baker noted that we don't have any continuity and it doesn't work by sending different people to be part of the discussion. Mr. Baker stated he wasn't saying it was all Land Use. Ms. Gray stated that at the previous meeting she and Karen Craig were in attendance. Ms. Gray stated that it was her understanding that the Planning Board was looking at the Land Use issues and the MOU doesn't contain any Planning Board issues, they wanted to include the experts to review the reports. Mr. Kenison stated they can't do a list of things until they hire an expert. Ms. Young stated part of this was a communication problem and she shared what concerns she has brought up. Ms. Bates stated that was the point of the Common Interest Participation Agreement. Ms. Young stated that the Planning Board has discussed the issues and that Chinook hasn't submitted their application to the SEC yet. Ms. Young wanted to understand the Selectmen's urgency. Ms. Gray shared that they needed to have all of their experts lined up but in order to do this, the Planning Board has questions for Pam Monroe to know what the State would take up so we don't duplicate issues. Mr. Baker stated that it came up last week with Attorney Manzelli. Ms. Gray shared that the Planning Board thought Ms. Monroe could help, not only them but the public as well. Ms. Gray shared that the Planning Board can't give all of the information that the Selectmen want until they know what the experts do. Mr. Baker stated it would be easier to direct those questions through Ms. Favreau. Ms. Favreau shared that Attorney Manzelli was surprised to be contacted by Pam Monroe. Ms. Young wasn't sure why because she could call Ms. Monroe any number of times. Ms. Gray stated that Attorney Manzelli was the Selectmen's attorney. Mr. Baker stated she works for the Selectmen. Ms. Young asked why Ms. Monroe contacted

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Attorney Manzelli. Mr. Kenison stated that when you are on the Planning Board, you are not a citizen. Mr. Kenison noted that our counsel wasn't included. Mr. Baker asked until there was a deviation, why we wouldn't work through one. Ms. Gray stated it was difficult to know that as a Planning Board representative, how much she needed to report back directly as our communication was disconnected when the Selectmen have a representative at the Planning Board. Ms. Gray shared that draft minutes were not inclusive. Ms. Bates shared that Mr. Kenison does report on the Planning Board meetings. Ms. Young shared that she looked on the State's website and there were just a few documents on their website at this time until the application was filed with the SEC. Mr. Kenison shared that our attorney was trying to rush things so we can ask for money to cover the experts. We are trying to get a handle on what the scope was. Ms. Young contacted one of the experts and he wouldn't give an estimate until he knew the scope of work. Mr. Baker asked to go through the minutes as there was a little misunderstanding of what transpired. Mr. Baker asked that the Chairman and a designee be in attendance at the Selectmen's meetings with Attorney Manzelli. Ms. Favreau shared the next phone conference with Attorney Manzelli would be held on October 10<sup>th</sup> at 9:15 a.m.

Ms. Favreau shared that she sent an e-mail to Laurie Hayward regarding Pam Monroe's schedule. Ms. Favreau shared that the Planning Board would miss the newsletter deadline for submitting information on the meeting with Ms. Monroe. Ms. Young stated that she would take care of submitting the information.

Ms. Gray briefly discussed with the Selectmen the insurance policies for Meadowood regarding contamination and the ownership during the claim period.

It was noted that Ms. Bates and Mr. Baker would be at next week's Planning Board meeting in Mr. Kenison's absence.

Ms. Favreau pointed out that SWRPC has received a grant that includes funding to assist Municipalities in revising Land Use regulations. Mr. Baker stated that we don't have anyone in place that can review our ordinances. Mr. Kenison mentioned the Town of Wilton's Land Use ordinances were well organized. The Selectmen agreed that this didn't have the support of the Planning Board. Ms. Gray would add this to the Planning Board's Agenda for next week. Mr. Baker briefly touched upon a few ordinances that need revision.

\*\*\* **REVIEW E-MAIL FROM BRIAN BISSON**  
**RE: CONSTRUCTION**

Ms. Favreau shared that this was the property on Sip Pond. Ms. Favreau mentioned that Mr. Bisson has already gone to the Conservation Commission and the Planning Board. Ms. Favreau shared that the Planning Board wanted Mr. Bisson to rebuild further back and Laurie Hayward has done research. In addition to Ms. Hayward, Mr. Bisson has also e-mailed Ms. Favreau. Ms. Favreau has drafted an e-mail in response. The Selectmen reviewed and signed off on the e-mail. Mr. Kenison stated it was non-conforming.

Mr. Baker asked what the process was since the Selectmen have received a Construction Permit. Ms. Favreau would rewrite her e-mail stating the Construction Permit was incomplete.

Ms. Bates made a motion to send the e-mail that Ms. Favreau drafted with the adaptation that the Construction Permit was incomplete and that a completed one was needed. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

\*\*\* **REVIEW E-MAIL FROM AMY MANZELLI**  
**RE: SEC PROCESS MEETING DATE**

Ms. Favreau asked the Selectmen to determine which dates to stay away from in scheduling the meeting. The Selectmen determined that October 4<sup>th</sup>, 15<sup>th</sup> and Mondays would not work.

\*\*\* **SWRPC HIGHLIGHTS**  
**RE: PLANNING ASSISTANCE – LAND USE REGULATIONS – Discussed earlier.**

\*\*\* **START BUDGET DISCUSSIONS**  
- **Selectmen Representative**  
- **COLA**

**Selectmen Representative** – Ms. Favreau shared that the Selectmen needed to be thinking about budgets and she needed to send out an Agenda to the Budget Committee. Mr. Baker shared that he attends the meetings, and Ms. Bates stated she would attend but wasn't experienced enough to be the representative. Ms. Favreau attends the meetings as well.

Ms. Bates made a motion to appoint Mr. Baker as the Selectmen's Representative to the Budget Committee. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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**COLA** – Ms. Favreau shared that this affects the entire wage scale. In the past, this has been based on Social Security. This year it looks like it might be between 1 and 2%. Ms. Bates stated if we budget for 2% we would be covered. Ms. Favreau shared it was up to the Selectmen to determine what they wanted to do and they don't have to give a COLA. Ms. Bates asked for a history of percentages. Ms. Favreau shared the past increases and no increases.

Mr. Baker mentioned budgeting for another wage scale study at some point. The Town isn't the top paid or the least paid and he wanted to continue with the COLA using Social Security as a benchmark. Ms. Bates asked if we should look at it in cost sensitivity with the cost of the steeple and the school. Ms. Favreau shared that the steeple costs have been part of the CIP. Ms. Favreau mentioned looking at surplus. Mr. Baker asked for an estimate of high level expenses. Ms. Favreau would use last year's town budget. Mr. Baker noted that departmental budgets have been kept flat for the past 4-5 years. Ms. Favreau noted that surplus funds last year totaled \$1,227,759. Ms. Favreau shared that the recommended maximum was \$1.3 and the minimum was \$190,000. Ms. Favreau explained that any unexpended funds from departmental budgets go into surplus. Ms. Favreau shared that she has been expensing the Fire Department's other repairs from the Fire Department's regular budget as they are under budget.

Ms. Bates asked if the tax or the steeple was a better use of the surplus funds. Ms. Favreau shared it would lower the tax rate this year and next year. Ms. Favreau shared that the Selectmen could do both, depending on how much money was in the surplus.

**ON-GOING BUSINESS:**

- **STEEPLE PROJECT – SCHEDULE – REVIEW SCHEDULE** – Discussed earlier.
- **PRIME WETLANDS PROJECT** – Ms. Favreau shared that override meetings would be held.

**INFORMATION**

- **RECREATION SPOOKTACULAR FEST** – The Selectmen reviewed.

Ms. Favreau asked if the Selectmen would require employees at the Town Hall to take time off without pay because of the mandatory closing. The Selectmen agreed to pay Town Hall employees for the time the Town Hall was closed.

The Selectmen discussed the sale of the solar project in Hinsdale and Chinook's date to file with the SEC regarding Fitzwilliam's solar project.

**Meeting Schedule:**

- 7:00 p.m. - Wednesday, September 4, 2019**
- 9:00 a.m. - Thursday, September 12, 2019**
- 9:00 a.m. - Thursday, September 26, 2019**

Mr. Baker made a motion to adjourn the meeting at 12:04 p.m. Mr. Kenison seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Daniel Baker, Chairman

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Robyn Bates

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Charles Kenison  
Board of Selectmen