



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 - AMENDED
April 7, 2022
8:30 A.M.

Selectmen Present: Brian Doerpholz, John E.F. Craig, Martin Nolan

Guests: in person – Dana Pinney via Zoom – Robert Ford

Mr. Doerpholz called the meeting to order at 8:34 a.m.

PRIMARY:

***** APPROVE MANIFESTS**

Mr. Craig made a motion to approve the manifests. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

***** APPROVE MINUTES**

- **March 30, 2022 – Public and Non-Public**

Mr. Craig made a motion to approve the minutes of March 30, 2022, both public and non-public. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

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

***** REVIEW CONSTRUCTION PERMIT APPLICATIONS**

- **Map 8, Lot 7-2**
- **Map 7 Lot 28-9**
- **Map 35, Lot 14**

Map 8, Lot 7-2 – The Selectmen are concerned about health and safety with open water. Mr. Nolan would like to suggest that they consider putting something around the pool for safety. Mr. Craig made a motion to approve the Construction Permit for Map 8, Lot 7-2. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0
The Selectmen agreed that a Certificate of Occupancy wasn't needed.

Map 7, Lot 28-9 - Mr. Craig made a motion to approve the solar application for Map 7, Lot 28-9. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0
The Selectmen agreed that a Certificate of Occupancy wasn't needed.

Map 35, Lot 14 – Mr. Craig made a motion to approve the Construction Permit for Map 35, Lot 14. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0
The Selectmen agreed that a Certificate of Occupancy was needed.

***** UPDATE ON BOARD MEETINGS**

Library – Mr. Doerpholz shared that the Library Trustees had an organizational meeting. Robin Marra was reelected Chair, Beth Lorenz, Vice Chair, Pam Troccia, Secretary, and Richard Marshall, Treasurer. Nancy Fey-Yensan is the liaison to the Friends of the Library. Trustees looked at the Conduct for the Trustees, which Mr. Marra prepared. It was their intent to review every Library Policy and a schedule for review was prepared. There was discussion between the Director and Friends of the Library about what programs they wanted to do going forward. Mr. Doerpholz had mentioned the Locke Collection to Kate Thomas suggesting that she discuss with someone on how to garner interest in the collection.

BOARD MEETING MINUTES - April 7, 2022

Planning Board – Mr. Nolan shared that he wasn't in attendance but reviewed a summary of what transpired at the meeting.

- Prelim: Dunkin's (presented by Fieldstone Land Consulting) - Site Plan Review – The proposal is for a stand-alone Dunkins. They would move out of Mr. Mike's and move into the former Old Glory Antiques building and gray building next door. They want to merge the two lots, demo the existing buildings and rebuild a 1,820 square foot store. There would be curb cuts on Route 12 and Route 119. They would have a private septic but town water. They settled on having a colonial style structure to fit better with the Town's esthetics. Sixteen parking spots were proposed with 8 in the front of Route 12 and 8 on the side (Crossroads side). They will need a variance as the right-of-way has been moved with the Route 12 expansion.
- Prelim: Nathan Olson (presented by Paul Grasewicz) - Boundary Line Adjustment - Neil Olson (Richmond Road) would give land to Nathan Olson (Route 119). The Board discussed "Woods Road" (this was discussed extensively at the previous Boundary Line Adjustment) and water movement. Once the public hearing is opened, the Planning Board will most likely want to do a site walk.
- Recommended Tom Rothermel as an Alternate. He has lived in Fitzwilliam for 4 years. Previously from Jaffrey and has sat on numerous boards, including Board of Selectmen, Conservation, Cemetery, and Historic.
- Met with Ron Rhodes of Connecticut River Conservancy in regards to letter of support for ARM funds for the Stone Pond Dam project. Mr. Rhodes felt ARM funds could fund the town's entire portion. Town contribution/match could be in-kind. Mr. Rhodes explained the design change – change culvert angle and the possibility of moving the intersection. The Dam team will send a basic draft letter to be reviewed.

Mr. Doerpholz and Mr. Smith took a ride and they think that Plan 2 is the best to get rid of the spillway and to make it a straight shot with a slight angle. It is far less intrusive. The Selectmen reviewed a layout of the area and discussed how it would be changed. Mr. Nolan is concerned that a box culvert would be big. There would be no more water coming out then what currently flows through now. Mr. Nolan noted that he isn't an engineer but is questioning why such a large culvert. Mr. Craig shared questions for the Selectmen to ask.

- Elections were held and members held the same positions as last year:
Suzanne Gray – Chair
Paul Haynes – Vice Chair
Robin Peard Blais – Secretary

9:00 OPEN BIDS FOR ROAD PAVING

The Selectmen reviewed the bid from BDM Sweeper Service Inc. Their quote is \$430,580. The next bid was from All States Construction, Inc. Their quote is \$363,952.50. DPW Director Glenn Smith shared that he would scan the bids and send out to both contractors. Ms. Favreau received a call from BDM asking for the quotes of the other bidders. Mr. Smith shared it was for the paving season. Mr. Smith hoped that paving would begin in July, and they have already determined that there are no culverts to be replaced.

Mr. Doerpholz asked about Horseshoe Pond and mentioned the amount of water. Mr. Smith shared that they needed to get rid of beavers and it is checked frequently.

Mr. Smith was surprised that we only received two bids. He was happy with the quotes especially with fuel prices. Mr. Smith shared what he would do with the extra funds, since the quotes came under bid.

It was noted that this is the first time we have done an RFP for paving. The Selectmen felt it was the way to go.

9:15 MEET WITH DPW DIRECTOR GLENN SMITH AND LAND USE COORDINATOR LORI NOLAN Re: Complaint from Mr. Herrick

Mr. Craig shared that we had received a letter from Mr. Herrick who has a home situated on Putney Road. Mr. Herrick filed a complaint and the Selectmen are reviewing the matter. Mr. Doerpholz has left the meeting and will not be in attendance during this discussion. Mr. Craig reviewed the complaint from Mr. Herrick.

The Selectmen wanted to hear from both Mr. Smith and Lori Nolan, Land Use Coordinator about what happened at the meeting. Mr. Smith shared that the attorney for Mr. Herrick was at the site meeting. The conversation began and Attorney Soucy did most of the talking. Mr. Smith mentioned that in order to proceed they needed to know the length of the driveway and a map of what it would look like. Mr. Smith noted that this is common for the driveway permit, as it ensures that there is a proper turnaround for emergency personnel. Mr. Smith shared that Attorney Soucy got loud and argumentative and asked where it shows in the requirement. Mr. Smith tried to explain that they hadn't been updated as yet, since he is new. Attorney

BOARD MEETING MINUTES - April 7, 2022

Soucy kept getting loud and argumentative stating that they don't have to supply that information. This kept going back and forth and they weren't getting anywhere. Mr. Doerpholz stepped in and tried to reiterate as a Selectman that the Board of Selectmen have the authority to request information as they see fit. Attorney Soucy wasn't having any of it. Mr. Smith shared that Mr. Doerpholz pointed his finger at him (attorney) and didn't get close and it wasn't in a threatening manner. Mr. Doerpholz had stated that Attorney Soucy knows that the Board of Selectmen and the DPW Director can request certain requirements. Ms. Nolan agreed. The whole point of going there was to see the location of the curb cut and the location of the driveway. Ms. Nolan shared that she was there for any concerns regarding wetlands because the area is a prime wetland. When they showed up on site, it seemed like they weren't willing to give any information and only wanted us to supply them. It was almost a hard line from Attorney Soucy that you have to show us the RSA and Ordinance that gives the Town the right to ask for the specific information and until we supply that specific RSA and Ordinance information, Attorney Soucy wasn't going to tip any hand. It ruled the site walk ineffective. Mr. Smith agreed. Ms. Smith and Mr. Doerpholz mentioned that if they weren't going to supply the information, Mr. Smith as the DPW Director couldn't issue a driveway permit. Mr. Smith reviewed the requirements that were needed for the driveway permit, and explained why the Town has the requirements. Attorney Soucy didn't want to have any of that from the get go. Mr. Doerpholz didn't have his finger within the distance stated – it was more like four feet.

Ms. Nolan shared that the conversation that she and Mr. Smith had with Mr. Herrick afterwards, was what they wanted to have at the site walk. There were frustrations that built. She didn't feel that there was anything in a threatening manner. Ms. Nolan mentioned that she hasn't seen the letter but noted what went on. Ms. Nolan went there to find a resolution. It seemed that Attorney Soucy didn't have that same mind frame. Attorney Soucy was of the mindset that you give us information and he commented that now there was three officials there. Mr. Herrick and Attorney Soucy were upset from the get go that Mr. Smith had asked a Selectman and Ms. Nolan to be in attendance, with what had transpired in the past. Mr. Smith referenced the letter which stated "he" allowed the other two to be there. Mr. Smith shared they didn't have a choice. It was noted that Mr. Smith was the designated person and didn't need the Selectmen to make the decision. Mr. Smith had shared with Mr. Herrick and Attorney Soucy that the Selectmen have the authority and that was why Mr. Doerpholz was there. Mr. Nolan mentioned that was correct and noted that Ms. Nolan being in attendance was necessary for any land use issues. The Selectmen would have to sign off on the driveway permit. Mr. Nolan mentioned that all of the positions have a stake in it and we could have had an attorney as well.

Mr. Smith shared that Mr. Doerpholz was willing to work with them and sit down with him (Herrick). They thought that it started off bad because of Attorney Soucy. Mr. Smith shared that to recuse Mr. Doerpholz from any dealing with Mr. Herrick is ridiculous. Mr. Nolan shared that Mr. Doerpholz' position is to assist in what needed to be done.

Mr. Smith shared that Mr. Herrick has left him a voicemail asking for the status of his driveway permit. Mr. Smith didn't return his call because of the meeting with the Selectmen. Mr. Craig was hoping that Mr. Smith could stay a little longer to address the next steps. Mr. Craig asked if there was any other comments relative to the complaint. Mr. Nolan asked if we can scale it down and address the specific concerns and work towards an objective. That is the direction Mr. Nolan felt they needed to go. Mr. Smith shared if Attorney Soucy was going to be involved, we should have legal counsel as well. Mr. Craig asked to hold those thoughts, as he wanted to bring Mr. Doerpholz back in to the meeting.

Robert Ford asked if there was any way to provide something in writing to Mr. Herrick detailing what the Selectmen are discussing. Mr. Craig stated that they would be communicating with Mr. Herrick and it was not their intention to keep him on hold. Mr. Ford thought that would go better to justify what they are reasonably asking for.

Ms. Nolan, Mr. Herrick and Mr. Smith had a very productive conversation afterwards and threw out different scenarios. Mr. Doerpholz was in his vehicle and Attorney Soucy was at Mr. Doerpholz' vehicle.

Mr. Craig shared that removing himself from the discussion was the suggestion of Mr. Doerpholz.

Mr. Doerpholz has rejoined the meeting.

Mr. Craig asked Mr. Doerpholz relative to his continued role in this matter, does he feel he can be impartial and fair. Mr. Doerpholz agreed. He shared that he has been trying to come up with options to help Mr. Herrick. Mr. Doerpholz shared what had transpired. Mr. Craig felt that Mr. Doerpholz is an essential part of this Board. Mr. Nolan asked Mr. Smith if we can meet with Mr. Herrick, one on one, with the Selectmen, Mr. Smith and Ms. Nolan to nail something down. If Mr. Herrick is going to have Attorney Soucy present, we should have our attorney present as well. Ms. Favreau shared that we have already contacted an attorney on this matter and it would be discussed in non-public.

Mr. Doerpholz stated that if someone shows up with an attorney, they shouldn't meet until we have legal representation, moving forward. Everyone agreed. Mr. Craig asked if the request that Mr. Doerpholz recuse himself from interactions in the matter, he felt Mr. Doerpholz could be impartial. Mr. Nolan agreed and shared that there are three parts to the Board of Selectmen and no one member makes the decision. Mr. Nolan felt it was more beneficial for Mr. Doerpholz to be here. Mr. Doerpholz shared that even as Chairman, it is the whole board that makes decisions.

BOARD MEETING MINUTES - April 7, 2022

Mr. Doerpholz shared that he has no intention to read this portion of the minutes. Mr. Craig asked that since everyone is here, it might be beneficial to try to come up with a plan. Mr. Craig shared that Mr. Herrick has asked Mr. Smith for the status on his driveway permit. Mr. Doerpholz wanted to check with NHMA to see if what he was thinking was possible. It would take a lot of work and would involve the Planning Board, as well as Mr. Smith. Mr. Doerpholz suggested that Mr. Smith could share with Mr. Herrick that we are working on a possible proposal and to please give us time to come to a solution. Mr. Doerpholz didn't want to discuss it now until he has talked with NHMA. If it's a possibility, invite Mr. Herrick to come in and meet with the Selectmen without his attorney, to share what the possibility could be. Mr. Nolan would like to have this as a site walk so that he can see what is being considered. Mr. Smith shared to also have Ms. Nolan involved. Mr. Smith asked if wetlands, it would be better to have Ms. Nolan there and if possible it would be better to have this discussion on a site walk. Mr. Nolan wanted all three Selectmen to be in attendance and he asked if someone from the Fire Department needed to be in attendance as well. Mr. Smith shared that having Fire Chief Adam Dubriske or Deputy Fire Chief Charley Kenison there would be helpful when discussing the turnaround, and what they would need with the driveway being a quarter mile long. Ms. Nolan noted that the possibilities we have discussed is on what limited information they have shared. Our solution might change if given more information. Mr. Doerpholz agreed. Mr. Smith would follow-up with Mr. Herrick. Mr. Nolan would add that we need to have this information prior to the site walk. Mr. Smith shared that we can't ask for the length of the driveway until we see how it ends up being laid out. Mr. Craig asked if Mr. Smith had enough information to contact Mr. Herrick. Mr. Smith asked if he could say that we want to meet with him and that Mr. Doerpholz is working on this. Mr. Craig suggested saying that he has asked for review, we have given review and the feeling is that all three Selectmen would continue to relate to his application. Mr. Smith asked in his conversation does he mention working on an alternative solution. Ms. Favreau shared that it isn't for us to come up with a solution. Mr. Doerpholz shared that the Selectmen are trying to work on this and the feasibility. It isn't being ignored. Mr. Nolan suggested not mentioning Mr. Doerpholz by name, and say the Selectmen. Mr. Doerpholz suggested saying that he has met with the Selectmen and they are actively working on it and checking the feasibility of his proposal. Discussion was held on the exact wording in how Mr. Smith responds to Mr. Herrick.

9:30 MEET WITH CAROL ANN ROCHELEAU, HEALTH OFFICER Re: Administrative Inspection Warrant

Carol Ann Rocheleau met with the Selectmen to discuss the Administrative Inspection Warrant. Ms. Favreau suggested scheduling around the DES representative. Ms. Rocheleau shared that the DES representative told her that she has everything in order and that he doesn't need to be in attendance. Mr. Ford asked what this regarded. Ms. Rocheleau shared this involves a property on Warren Hill Road. She was asked to see from the road if there were any health and safety concerns. Ms. Rocheleau mentioned the amount of campers, and vehicles that have been brought to the property. Mr. Ford thanked her. Ms. Rocheleau shared that she could see a 16 foot trailer and there is apparently a wood burning stove as she noticed smoke and a person carrying a chain saw and tool box going into the camper. That is a real concern. Camping trailers are not authorized by the State of NH or the Town of Fitzwilliam to be permanent structures. Mr. Doerpholz noted that this is multiple dwellings on one property. Ms. Rocheleau noted that if there is water to the little trailer, there needed to be an installed septic system. If no water, that isn't a requirement, where is the sewage going. Ms. Rocheleau shared that at least it is an unauthorized junk yard. Mr. Doerpholz offered to go as the Selectmen's representative. Ms. Rocheleau shared that she expects to go to the Court in Jaffrey and if the court allows, she would take photos, soil samples, and the owner of record Karen Emerald would be sent a cease and desist letter, once they determine that someone is living there. Ms. Rocheleau has driven by the property several times at night and there are lights on. Mr. Smith shared that he has seen this going on for a long time and confirmed what Ms. Rocheleau reported. Ms. Rocheleau explained the process. Ms. Rocheleau shared that if the Judge allows this warrant, they have seven days from the date of approval to do a site walk. It then goes back to the court. If two Selectmen attend the site walk, it would be posted and minutes would be taken. Ms. Rocheleau suggested having a police officer accompany them.

Mr. Doerpholz asked when the site walk would be done. Ms. Rocheleau hoped to bring the warrant to the court tomorrow or next week, if the Selectmen needed more time. After discussion, Ms. Rocheleau shared she would go to the court on Monday. Discussion was held on the process according to the Administrative Inspection Warrant. Ms. Rocheleau shared her biggest concern is if there are other people living there and the owner has created a campground.

9:45 MEET WITH RICHARD DWINELL Re: 635 Rt 12 South Property 506 East Lake Road

Richard Dwinell identified himself to the Board of Selectmen. Mr. Dwinell asked Ms. Rocheleau if she knew the RSA on unregistered vehicles. Mr. Dwinell mentioned that antique cars are handled differently and you can only have 2 cars that are under 25 years. Ms. Rocheleau shared that she knew the RSA. Mr. Dwinell stated that she was avoiding his questions. Mr. Dwinell shared that when he was before the Board of Selectmen when Susan Link and Nancy Carney were on the Board, he was given the RSA. Mr. Dwinell shared that he is allowed five antique cars over the age of 25 years. When Mr. Dwinell started to discuss Ms. Rocheleau coming onto his property, Mr. Nolan stated that he would like this toned down and not be so contentious and for this to be discussed in a reasonable manner.

BOARD MEETING MINUTES - April 7, 2022

Mr. Doerpholz asked what RSA Mr. Dwinell was referencing. Ms. Favreau had given Mr. Doerpholz the RSA, which was RSA 236:9-12. Mr. Doerpholz asked Mr. Dwinell what concern he wanted to address with the Board of Selectmen. Mr. Dwinell shared they put two different topics on one letter. Mr. Doerpholz shared that they gave him almost a full year to comply with their request. Mr. Dwinell shared that he has taken one car off of his property. Mr. Dwinell shared that those campers are not his. Mr. Dwinell shared the conversation that he had with Nancy Carney. Mr. Doerpholz mentioned that he has had almost a year and in that time he has only removed one vehicle. Ms. Rocheleau shared that it appeared, not sure about today, at the end of February, it appeared to her at the time she addressed the Selectmen about someone living in the camper and they were shoveling the front. It appeared that they were living there. Mr. Dwinell also shared that no one has ever lived in the trailer. He rented it out to Joe Sauvageau. Mr. Dwinell stated that no one lives in the camper and if Ms. Rocheleau is concerned about that, to go to Warren Hill. Mr. Dwinell offered to escort Ms. Rocheleau down to his property and she could go into the trailer. Again, Mr. Nolan asked Mr. Dwinell to tone it down. Ms. Rocheleau explained her concern and showed Mr. Dwinell pictures that she had taken from the road. Ms. Rocheleau mentioned that the whole place would go up if there was a fire. Mr. Dwinell shared that she should send a letter to Mr. Sauvageau to remove the trailer. Mr. Dwinell stated that it was Mr. Sauvageau's trailer. Ms. Favreau shared that Mr. Dwinell was the property owner. Mr. Dwinell mentioned that those trailers are cargo trailers and they don't burn. Mr. Dwinell stated that if she (Rocheleau) wanted to hang him, he has been hung by this Town before. Ms. Rocheleau shared that she wasn't trying to hang him. She mentioned that she has concerns. Mr. Dwinell shared again that he was willing to take Ms. Rocheleau to the property. Mr. Dwinell mentioned who lives on the property in the duplex and who moved in Mr. Dwinell's trailer. Mr. Dwinell shared that no one has ever lived in the trailer. Ms. Rocheleau shared that that was all she needed to hear. Mr. Dwinell mentioned that Ms. Rocheleau shared that she saw smoke coming from the trailer. Ms. Rocheleau mentioned that it was a different property.

Ms. Rocheleau stated that if Mr. Dwinell said that there was no one living in the trailer, she was okay with that. Mr. Dwinell mentioned that he would like her to see for herself. Ms. Favreau suggested that maybe Ms. Rocheleau could go there at the same time she is going to Warren Hill.

Mr. Dwinell gave his family history. Ms. Rocheleau shared there was more than two. Mr. Nolan shared that an antique vehicle must be in a condition that it can be shown and driven for antique purposes. Mr. Dwinell asked Mr. Nolan to show him the RSA. Mr. Dwinell shared that if true, he has a place to move it to. Mr. Dwinell also shared when he was brought in before the other Board of Selectmen regarding Mr. Warren driving the ambulance by his house at 60 mph. Mr. Dwinell called the Police Department. Nancy Carney called Chief Leonard DiSalvo and complained that Mr. Dwinell was harassing her husband. Mr. Dwinell stated that if he didn't have a cottage at the lake he wouldn't live in this town.

Mr. Dwinell discussed what John Holman had done when he raised the road and brought the fill up to the sills of his garage. Mr. Dwinell shared what had transpired when Tom Parker was a Selectman and his dealings with that Board of Selectmen. Mr. Dwinell wanted to raise his home, garage and put in a full foundation. Mr. Dwinell was happy to take Ms. Rocheleau to his property and if she sees it is necessary, that he would have Joe Sauvageau move the trailer. Ms. Rocheleau's concern was that it was too close and she didn't feel that she needed to go to Mr. Dwinell's property, if he would ask the tenant to move the trailer.

Ms. Rocheleau would follow-up with the Selectmen regarding the Administrative Warrant.

Mr. Dwinell shared his concern today was with the Selectmen's letter dated March 2022. Mr. Dwinell reviewed the letter. Mr. Dwinell shared his work experience with the Selectmen. Mr. Smith shared that he didn't remember saying the majority of the water was coming off of the roof, but he noted there was a lot of it. It is a metal roof and it is a contributing factor. Mr. Smith didn't remember saying it was a majority. Mr. Dwinell wanted what Mr. Smith stated to be put in the minutes. Mr. Nolan stated that it is in the minutes. Mr. Dwinell shared that he would be in next week for a copy of the minutes.

Mr. Dwinell shared a copy of his construction permit when the metal roof was put on in 2006. Mr. Dwinell mentioned that he has never had a problem with water until what happened with the road. Back in 1979 the road was raised 3.5 feet and now there is a crown. It is not rot on his garage it is erosion. He showed the Selectmen pictures of the damage. Mr. Dwinell shared that he has brought in a civil engineer. Mr. Smith was at Mr. Dwinell's property and was unable to get into the garage. The dirt is brought into his garage by the run off. This isn't caused by the metal roof. Mr. Dwinell shared that his daughter-in-law has a master's degree in mathematics. He explained what they did to determine the pitch and it is more than a foot where his garage is located. He had his water tested and it is undrinkable. He has to buy bottled water. Mr. Dwinell stated either both the Selectmen and he work this out or he and his attorney, Mr. Hanna, will see them in court. He has no alternative. Mr. Dwinell shared that he isn't the only one that has come before the Board of Selectmen. Mr. Dwinell mentioned the meeting when several neighbors, including Jackie Wood, met with the Selectmen to discuss the water run off issue.

Discussion was held with having a crown on the road, the Town being responsible for the run off, the run off going into the lake, and Mr. Dwinell's garage sitting on blocks. Mr. Craig asked about the drainage pipe. Mr. Dwinell shared that Gene Cuomo, Road Agent, put that pipe in when Joe Sauvageau had water going onto his driveway. Mr. Dwinell noted that Mr. Cuomo would do something for Mr. Sauvageau but wouldn't do anything for him. It was discrimination. Mr. Craig asked Mr. Dwinell if he had done anything to stop the runoff. Mr. Dwinell stated that he didn't cause the problem and he wasn't going

BOARD MEETING MINUTES - April 7, 2022

to use his money. Mr. Dwinell mentioned that his foundation was cracked. He never had water in his basement until the road was paved. Mr. Dwinell stated that he is looking at a garage falling off of its foundation, a crack in the foundation and his patio. He is looking at a lot of money to fix his land that wasn't like that before 2018. Mr. Dwinell shared that the engineer and Attorney Reimers would accept his case and it was up to the Selectmen. Mr. Nolan stated that the Board has to do some research and would get back to him. Mr. Dwinell understood what they needed to do. Mr. Dwinell shared that his attorney wanted him to ask if the Selectmen refused to do a site walk. Mr. Nolan stated that he was opposed to it. Mr. Craig shared that since that period of time with previous Boards of Selectmen and nothing was new, they felt they could rely on the previous Board. Mr. Doerpholz shared that since nothing has changed, so nothing has convinced them from the previous Boards of Selectmen to do a site walk. Mr. Dwinell shared that his garage is unusable, and the damage is due to the Town's negligence. Mr. Dwinell mentioned that he doesn't have a problem bringing this to court. Mr. Dwinell shared it was nice to meet them.

Mr. Dwinell mentioned that on Route 12 S., Mr. Holman put in for a residential driveway permit. Ms. Favreau shared it is a State driveway permit. Mr. Dwinell knew it was the State and asked why Mr. Holman would put in residential when he knew it was commercial. Mr. Dwinell noted if the case goes back to the Planning Board for a driveway permit, that Sam Lipscom wanted to put housing on his property and was denied by the State to put in a driveway. Mr. Dwinell didn't know why Mr. Holman put in for residential when it was commercial.

Mr. Dwinell thanked the Selectmen.

10:15 MEET WITH DPW DIRECTOR GLENN SMITH Re: Signs Upper Gap Mountain Road Review Update to Stone Pond Dam Plans

Mr. Doerpholz asked if the Selectmen had reviewed the e-mail on the RSA that applied to the signs. The Selectmen had reviewed and Mr. Doerpholz asked if they had any comments. Mr. Smith shared that per RSA these signs aren't needed as they are a replication of the signs that are already there. Mr. Doerpholz mentioned that they are prohibited and that they are conflicting with the Town. Mr. Smith shared that it is redundant. It is replicating signs that are already there. Mr. Nolan noted that he doesn't even see them. Mr. Smith shared that the driver needs to look left to see the signs on the trees which could be problematic with the driver not paying attention to driving forward. Mr. Doerpholz shared the law gives the Town authority to remove the signs. It was agreed that the courteous way was to have the homeowner remove the signs. The Selectmen agreed to give 30 days.

Mr. Nolan made a motion to send a letter to the homeowner asking to have the signs removed by the end of April as they are in conflict with the RSA. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

Mr. Ford asked if the Town is fine with their signs. Mr. Doerpholz replied yes. Discussion was held that the sign wasn't Roman numeral. Dana Pinney shared that the sign wasn't an issue. Mr. Smith would look into the RSA to make sure. Mr. Ford shared that his signs follow the RSA Roman numeral numbering and he asked what non-maintained means. Mr. Smith shared that under Class VI it means that the DPW can't expend any money after that sign going onto the Class VI Road. Mr. Ford stated that it is the responsibility of people that use the road for any injury and he understands that the Town isn't liable. The point is you are responsible for using the road. Mr. Ford noted that if they are going to use that road that has a 12 foot ditch and if you fall in the ditch – it is on you and that is why he has his signs. Mr. Ford would remove his signs but he is concerned that the Town's sign isn't adequate to notify the people on the road to what is going on with the road.

Mr. Doerpholz shared that they have updated the plan and want to change the angle of it and just use a box culvert. Mr. Nolan shared that Conservation Commission would make the water flow without there being such a hard angle. Mr. Doerpholz asked if the Selectmen wanted to send something to the Planning Board. Mr. Nolan shared that the Planning Board would like to have something from the Conservation Commission and the Board of Selectmen. Mr. Doerpholz suggested that the Selectmen send a letter to the Planning Board and they would include with their letter. Mr. Nolan mentioned that Stillman Stone has given permission for the water change. Mr. Craig asked to look at our cost. Mr. Doerpholz shared that we need to know our approximate cost to look for grants or do a CIP request. Mr. Doerpholz mentioned that in-kind will help us with our road work. Mr. Craig thought that it would cause the intersection to be moved slightly and would we have to raise the road and he wondered what the cost would be. Mr. Nolan shared that they want to change the angle of the water flow and that would change the intersection a bit and ARM would cover the cost. Open for interpretation is what in-kind means. Mr. Smith asked if they were looking for any money for engineering. Mr. Doerpholz replied no. This is why we would like to do this with them. Mr. Smith shared that it sounds like the majority would be paid for with ARM funds.

Mr. Smith mentioned that he has a meeting with Elizabeth Gilboy next week to discuss a grant for the message board and he would ask her what else is out there that the DPW can do. Ms. Gilboy has had Mr. Smith sign some paperwork on the message board.

Ms. Favreau asked if we were set on the FEMA grant. Mr. Smith hasn't gotten a response from William Shevell asking what additional documentation was needed. He thought May 3rd was the deadline. This would be good for the Town. The

BOARD MEETING MINUTES - April 7, 2022

President has recently changed the reimbursement rate for FEMA funds. Mr. Smith shared that the cost was around \$130,000 and we could see \$100,000 for a reimbursement

Mr. Craig mentioned the Welcome Packet and asked Mr. Smith if he had seen the write up for the Transfer Station. Mr. Smith asked about paying for bags and having a sticker. Mr. Nolan mentioned that we have an ordinance mandating recycling. Mr. Doerpholz suggested a sign stating: Must have a Dump Sticker. They are trying to have recycling break even. Mr. Nolan would be working with Mr. Smith to review recycling items.

Mr. Doerpholz asked that Mr. Smith follow up with the Selectmen in the next couple of week regarding recycling. Mr. Smith mentioned that there are drainage issues at the Transfer Station. The thought was to have French drains installed. Mr. Nolan thought it would be advantageous for Fitzwilliam and Troy to work together. It was mentioned that if fees were to be raised or having to purchase bags, that a public hearing would be held to gather input from residents.

*** REVIEW PROPOSAL FOR WORK ON SPRINKLER SYSTEM

Ms. Favreau shared that we had our annual inspection this week. The Selectmen reviewed the list of work that needs to be done as a result of the inspection. The cost is \$3,955. This doesn't include installation of inspectors test valve quote. Mr. Craig asked if this would be included in Ms. Favreau's long range plan. Ms. Favreau agreed. Ms. Favreau shared that this expense comes out of the General Building Expendable Trust Fund.

Mr. Doerpholz made a motion to approve the proposal from Hampshire Fire in the amount of \$3,955. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

Ms. Favreau shared that she has been trying for months to have the work done in the steeple. Ms. Favreau did mention this when they came in this week. Ms. Favreau also shared that there would be additional costs. It was noted the balance in the General Building Expendable Trust fund is \$119,081.14.

*** APPROVE LEGAL INVOICE

The Selectmen reviewed the legal invoice.

Mr. Craig made a motion to approve the bill from Attorney Joseph Hoppock in the amount of \$3,100. Mr. Nolan shared that he felt it was a waste of money. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

*** REVIEW DRAFT COOPERATIVE AMBULANCE AGREEMENT

Ms. Favreau shared that she and Ms. White reviewed the agreement and they thought it should state Per Diem as there are no benefits and having a written notice for termination. Mr. Doerpholz mentioned Fitzwilliam being the only location, as Troy doesn't have space to expand. Mr. Doerpholz thought that we should be reimbursed for the use of our Fire Station. Mr. Nolan shared that there is a group that is interested in doing training at Meadowood. Mr. Nolan thinks that we should wait before doing any work at the Fire Station. Mr. Doerpholz agreed that putting sleeping rooms on the back burner would be okay. He agreed with Mr. Nolan about their being other buildings needing repair that are more of a priority. Mr. Craig thought that overall the agreement was simple. He thought as a Town, we need to have a rental agreement. The Selectmen agreed that they would like to sit down next week with Fire Chief Adam Dubriske and Deputy Fire Chief Charley Kenison to discuss the agreement and share their concerns.

*** REVIEW ABATEMENT RECOMMENDATION FROM AVITAR - Map 15, Lot 60

Mr. Doerpholz reviewed the abatement recommendation for Map 15, Lot 60 from Avitar. Ms. Favreau shared that if the Selectmen agree with Avitar's recommendation, she would figure out the abatement amount and send a letter to the homeowner.

Mr. Nolan made a motion to approve the abatement of \$95,700 for Map 15, Lot 60. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

*** APPOINT ALTERNATE PLANNING BOARD MEMBER

Mr. Doerpholz shared that the Planning Board recommended Thomas Rothermel as an Alternate on the Planning Board. Mr. Doerpholz shared this was a one year term.

Mr. Craig made a motion to approve Thomas Rothermel as an Alternate Planning Board member. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

BOARD MEETING MINUTES - April 7, 2022

*** APPOINT MODERATOR

Mr. Doerpholz shared that William Prigge agreed to serve as Moderator for one year.

Mr. Nolan made a motion to approve William Prigge as Moderator. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

*** DISCUSS COMPLAINTS

- Xtreme Autobody
- 21 East Lake Road

Mr. Doerpholz shared that the Planning Board had mentioned to Xtreme Autobody that their property shouldn't remain like this. Ms. Favreau shared that she had spoken to Ms. Nolan who mentioned that nothing was included in the Construction Permit Application and it wasn't mentioned in the Planning Board at the time. There was no conditions from site plan review. It was brought up in the Construction Permit Application when Xtreme Autobody requested an expansion. They met with Planning Board but didn't go any further.

The Selectmen agreed that there wasn't anything to enforce.

Mr. Doerpholz shared that the Construction Permit for 21 East Lake Road was approved for Phase 1 - outside work only. The Selectmen would like Justin Killeen, Code Enforcement Officer to verify what is being done at the property as Mr. Doerpholz mentioned they are installing drywall and working inside. If Mr. Killeen verifies that inside work is being done, the Selectmen would send a cease and desist.

*** ADOPT PROFESSIONAL GUIDELINES

The Selectmen reviewed the Professional Guidelines for the Town of Fitzwilliam.

Ms. Favreau shared that this was discussed a couple of weeks ago. Mr. Doerpholz would like this put in a place that is accessible. Ms. Favreau would give a copy to Ms. Nolan to forward to all of her Board members.

Mr. Doerpholz made a motion to adopt the Professional Guidelines for the Town of Fitzwilliam Public Officials. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

*** DISCUSS EXPENDITURE FROM POLICE SPECIAL DETAIL ACCOUNT

Mr. Doerpholz reviewed the warrant article creating the Police Special Detail account. Ms. Favreau shared that in 2018 an amendment was done to change the purpose.

Mr. Doerpholz shared that they could bring Chief DiSalvo in to discuss what he wanted. Mr. Doerpholz shared that rifles would be in the vehicle all of the time. Discussion was held on the interpretation. There is a current balance of approximately \$50,000 in the Special Detail account.

Mr. Nolan didn't think the rifles would be part of special detail. Mr. Craig asked where the focus would be if they needed left handed rifles. Mr. Doerpholz shared it could be Police Personal Equipment Expendable Trust Fund or the Operating Budget. The way the Special Detail account is written, it doesn't fall under this fund.

Mr. Doerpholz noted the purpose of the fund could be changed at the next annual meeting to be more broad. Ms. Favreau shared that she didn't think Chief DiSalvo budgeted for them in his budget.

Mr. Nolan asked if a left handed rifle was needed if the rifle changed out of the cruiser each time it is needed or are there two rifles in the cruiser.

Discussion was held on having repairs on cruisers taken out of this account and then it would free up funds in his General Operating Budget.

The Selectmen want to meet with Chief DiSalvo next week to discuss the rifle purchase. Mr. Nolan shared that this opens the door for unrealistic spending. Mr. Doerpholz shared that Chief DiSalvo needed to come to the Selectmen to approve expenditures but he has repairs built into his budget. Ms. Favreau shared that Chief DiSalvo budgeted \$3,000 for vehicle repairs. The Selectmen understood Mr. Nolan's concern.

Ms. Favreau mentioned that the Selectmen are in charge of the revolving funds.

BOARD MEETING MINUTES - April 7, 2022

*** NON-PUBLIC SESSION – RSA 91-A:3 II(e) - Legal

At 12:20 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Nolan seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 12:35 p.m. Mr. Doerpholz 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. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

INFORMATION

*** **DRAWING OF LOCATION OF TOWN HALL SEPTIC** – Mr. Craig shared that it was pumped in 2019 by Stone Septic Service but the condition is unknown. Mr. Nolan shared they inspect the tank. The Selectmen reviewed the map showing the location of the septic system. The Selectmen thought it should be pumped in 2024.

Mr. Craig shared that there is broken glass in the oval on the Town Hall. Caleb Massin shared that he could repair it, but it would be done when he did painting. Ms. Favreau shared that the Town Hall wouldn't be painted this year. Mr. Craig would talk to a couple of glass people. Mr. Nolan didn't think it was a significant issue. Mr. Craig would look into. Mr. Craig mentioned the light that is out at the top of the stairs. Ms. Favreau would contact the DPW.

Ms. Favreau mentioned that if there are discussion items, they need to be added to the agenda, as we have told the public that we were going into non-public.

Mr. Nolan mentioned that insulation was needed in the attic. Mr. Doerpholz shared that we need to get pricing.

ON-GOING BUSINESS:

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

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

Mr. Craig made a motion to adjourn the meeting at 12:44 p.m. Mr. Doerpholz seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Brian Doerpholz, Chairman

John E.F. Craig

Martin Nolan
Board of Selectmen