



BOARD OF SELECTMEN
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BOARD MEETING AGENDA
June 18, 2018
7:00 p.m.

Selectmen Present: Nancy Carney, Daniel Baker, Charles Kenison

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

PRIMARY:

***** APPROVE MINUTES**
- June 12, 2018

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

***** APPROVE MANIFESTS**

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

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

7:15 MEET WITH ZBA

At the request of the Selectmen, ZBA members Bob Handy, Dan Sutton, Steve Filipi and Gretchen Wittenborg met with the Selectmen to initiate better communication between the boards and to discuss issues facing the ZBA. Mr. Baker noted that it was mentioned last week that there may be areas where the ZBA may need more support from the Selectmen and their needs from the Land Use Assistant. Mr. Filipi stated it would be tough filling the land use position being part-time. Mr. Filipi doesn't have a lot of time to put into it and for 3-4 months he was taking the minutes in conjunction with Danica Melone, through no fault of Ms. Melone, because the pertinent information wasn't being included in the minutes. Mr. Filipi shared the minutes are what goes to the Court and they need to be right. The Land Use Assistant needs to know what the ZBA needs and at the end, Ms. Melone was good at taking minutes. Mr. Filipi shared the job market was crazy in general. Ms. Favreau shared that a resume was received today from someone that has land use experience that looked very promising. Mr. Filipi mentioned that having someone new, he doesn't have that kind of time anymore.

Mr. Filipi stated that in the ZBA, they shouldn't have any participation with anything concerning a case, and they shouldn't come in the office beforehand. The ZBA should come in and decide the case that night and 99% of the time, the case should be done in one night and not dragged on. Mr. Filipi shared it was the responsibility of the person in that office to help the applicant get the information – otherwise it was wasting everyone's time. Mr. Filipi noted the problem was looking at the information and letting the applicant know what criteria they need and that some people need assistance and they don't know why they are meeting with the ZBA. Mr. Handy shared they were fighting that for quite a while. Ms. Wittenborg stated that the ZBA was the only judicial branch that they have in Town and the only board that could be sued. Ms. Wittenborg shared that preparation of the information was key. Ms. Wittenborg noted that the ZBA required the person taking the minutes to know the pieces of evidence that needed to be included. Ms. Wittenborg discussed how Sandra Gillis communicated with the ZBA.

Ms. Wittenborg stated it was important that they are not permitted to talk to the applicant, their lawyers or have any contact outside of their board meeting and that's why they need a Land Use Assistant that has the ability to think deep. They are the most exposed board with potential for liability for the Town. Ms. Wittenborg stated historically, the ZBA has a different format for minutes, and it takes a while for someone to learn that. In the meantime a board member has to go through the minutes and it is a huge time commitment. Ms. Wittenborg discussed the Selectmen appointing members that are clear thinking and interested in the land use business, and ZBA members helping fellow board members to reach a consensus. Mr. Handy

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shared that every time a case comes in, he goes to land use to review. Mr. Handy shared some of the missing information that is left off. Ms. Wittenborg mentioned that the ZBA had asked for a small copy of the tax maps. Mr. Kenison asked if they had tried to use the Avitar maps. Ms. Wittenborg stated it was estimated. Mr. Baker shared that unless the property was surveyed, it wouldn't be accurate. Mr. Filipi stated that in certain cases the applicant would need to get a surveyor. Ms. Carney shared that the Construction Permit has changed over the past few months on what requirements were necessary to include. Mr. Filipi stated that people going on their own and doing something without a permit, was up to the Selectmen.

Discussion was held on the different cases the ZBA has had such as after the fact cases, continuances, the Selectmen having the power to say tear it down, issue a fine, and they (the Selectmen) were the only ones that have teeth. Mr. Filipi stated if they could give the Selectmen some relief, the ZBA would work hard to do. Mr. Baker stated that the Selectmen have sent cease and desist orders over the past few months. Ms. Wittenborg stated the ZBA has become aware that there wasn't a lot of enforcement, it wasn't wholehearted and some Planning Board members say they write the ordinances but don't believe in enforcement. Ms. Wittenborg shared that was how some of the things come before them and no one follows-up. Mr. Handy shared that there are contractors that give a complete set of plans, but don't build to the plan. Ms. Carney stated code enforcement could only go out and measure setbacks before the Construction Permit was approved and would go back to do an Occupancy Permit. Ms. Carney shared that the Town has not adopted building codes. Mr. Handy stated the Town was governed by the State codes. Ms. Carney shared the Selectmen were trying to improve the process and double fines are given, if after the fact. Mr. Filipi stated the Town could be more stringent than the State and they needed to comply with that. Ms. Carney discussed ordinances being written that make it difficult for the Selectmen to enforce but they are working on it and are making strides. Mr. Filipi shared the fact was they only have a certain number of hours. Mr. Baker stated that was why the Selectmen had them come in to discuss these issues with them. Mr. Filipi mentioned that Ms. Melone would send the Notice of Decision to him to review, edit and send back to her. This process worked well as the Notice of Decision needed to be received within five business days.

Ms. Wittenborg asked about the interim coverage. Ms. Carney shared they had a plan last week but they haven't had a chance to discuss the next steps in the plan. Ms. Favreau shared that Ms. Melone was coming in until the end of the month but she hasn't heard from Ms. Melone since last week. Ms. Carney stated the Selectmen's Office was here to support the ZBA and to do whatever to make their jobs easier. Ms. Carney reminded them the door was always open. Ms. Wittenborg stated the problem was they can't be the land use assistant and do their jobs. Ms. Carney shared this was the kind of things the Selectmen's Office could do to assist them. Mr. Baker discussed having someone at the Planning Board meeting to take minutes in case Ms. Melone doesn't come in. Ms. Favreau shared that Marion Wheeler has taken minutes for other committees. Ms. Favreau shared that she was informed by Mr. Tourigny that there was coverage until the end of the month but that she had received an e-mail from Ms. Melone last week that she couldn't attend the ZBA meeting and she would be in on Saturday. Ms. Favreau stated that Ms. Melone didn't come in. Mr. Handy asked about using a temp agency. Ms. Favreau shared that she has tried that in the past. Ms. Favreau also shared that they have a few applicants and need to start interviews to get someone in here. Ms. Favreau noted she would check with Ms. Melone to find out if she would be in and would try to reach out to someone that has done minutes before. ZBA members were concerned whether or not the information they need for their cases has come in and Ms. Favreau shared that she has checked Ms. Melone's e-mail. Ms. Favreau noted that if someone comes in for land use, they would come to the Selectmen's Office. Ms. Favreau asked who was going to talk with Attorney Hoppock. Mr. Filipi stated he wasn't around during the day and Ms. Carney stated the Selectmen would work on a plan.

The Selectmen thanked the ZBA members for meeting with them.

NON-PUBLIC SESSION RSA 91-A:3 II(b) – HIRING

At 8:38 p.m. Mr. Baker made a motion to go into non-public session under RSA 91-A:3 II(b). Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

At 8:45 p.m. Mr. Baker 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. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

7:45 MEET WITH RICHARD DWINELL AND GENE CUOMO **- Continued discussion of water runoff from the road**

Richard Dwinell met with the Selectmen to continue the discussion. Mr. Dwinell would like to have a site plan right now to see the water coming into his garage. Mr. Dwinell stated the 2% pitch that Gene Cuomo put in was a 3.8% pitch. His daughter-in-law, who has a Master's Degree in mathematics calculated it. Mr. Dwinell was here for a solution. Mr. Baker stated the Selectmen don't have a solution unless Mr. Dwinell wanted to do something to his garage. Mr. Dwinell shared that he didn't have this problem until the pitch was done. Mr. Baker stated it was ordinary to repair the road, ordinary to have a pitch and it was ordinary and customary to maintain. Mr. Dwinell noted that in 1979 the sills on his cottage had to be replaced when the

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road was raised. Mr. Dwinell stated he wasn't going to do anything to his cottage just because the road has been raised. After a lengthy discussion between Mr. Dwinell and Mr. Cuomo on who was at fault, Mr. Baker stated they haven't determined if there was any liability on the part of the Town if doing ordinary and customary maintenance. Mr. Baker also stated the Selectmen won't subject the taxpayers to legal fees if the Town doesn't have any liability.

Mr. Kenison questioned Mr. Dwinell on his statement about water going into his cottage and that water going into the garage had been going on. Mr. Dwinell denied saying that and shared that he has a copy of the minutes. Mr. Dwinell stated what he didn't like in the minutes was that Mr. Cuomo stated he doesn't work for him. Mr. Dwinell stated he was a taxpayer. Mr. Cuomo clarified his statement by noting that he took direction from the Selectmen. Mr. Dwinell shared that his property value went up. Mr. Baker stated the Selectmen would take Mr. Dwinell's information, contact an attorney and check on the Town's liability. Mr. Dwinell wanted the Selectmen to contact the Town's attorney and if his reply was no, then the Town could deal with Mr. Dwinell's attorney. Mr. Dwinell shared his past experience dealing with the Selectmen.

Mr. Dwinell thanked the Selectmen for their time and stated he hoped they had a solution to his problem.

Ms. Favreau asked if the Selectmen wanted her to contact Attorney Hoppock or NHMA. Mr. Baker stated per the RSA if the Town was doing work that was ordinary and customary the Town wasn't liable. The Selectmen discussed putting in a berm and Ms. Favreau mentioned writing a letter if the Attorney confirms that the Town has no liability but the Town was willing to put in a berm.

*** **CONSTRUCTION PERMIT – EXTENSION**
Map 4, Lot 48

Map 4, Lot 48 – Extension Request – Mr. Baker made a motion to approve the extension request for Map 4, Lot 48. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0
The Selectmen agreed that an Occupancy Permit was needed.

*** **REVIEW ABATEMENT DECISIONS**
Map 17, Lot 3

Ms. Favreau shared that she had discussed the Selectmen's concerns with Mark Stetson, Avitar. Mr. Stetson stated the property value was attributable to the water front and the land has no value.

Ms. Favreau asked the Selectmen to give her time to calculate the average increase percentage for water front properties. The Selectmen would review at their next meeting.

*** **RESIGNATION OF ZBA MEMBER**

Ms. Carney reviewed the resignation letter from John Ernst. The Selectmen asked that a thank you letter be sent to Mr. Ernst.

*** **APPOINTMENT OF ZBA MEMBER**

Ms. Carney reviewed the request to appoint Gretchen Wittenborg as a member of the ZBA.

Mr. Kenison made a motion to appoint Gretchen Wittenborg to the ZBA for a 3 year term. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

*** **APPOINT KEVIN WOOLEY TO ENERGY COMMITTEE**

Ms. Carney shared that Kevin Wooley was interested in serving on the Energy Committee.

Ms. Carney made a motion to appoint Kevin Wooley to the Energy Committee. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

*** **APPOINT HISTORIC DISTRICT COMMISSION MEMBER**

Ms. Carney shared that Claire Borowski was interested in serving on the Historic District Commission.

Mr. Baker made a motion to appoint Claire Borowski to the Historic District Commission. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

*** **REVIEW NEWSLETTER ARTICLES** - The Selectmen reviewed.

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***** REVIEW E-MAIL FROM ROBERT FORD**

The Selectmen reviewed the e-mail from Robert Ford regarding the road. Dana Pinney attended the meeting to hear the Selectmen's discussion. Mr. Cuomo shared it was the section that Mr. Pinney has cordwood on. Mr. Pinney stated it was a town road and he has a right for passage and in his deed he has an easement that allows him to use the road. Mr. Pinney would like to be able to make the road passable so that he could get down there and access the rest of his property. Mr. Cuomo stated it was the section that Mr. Ford states that he owns.

Mr. Cuomo asked to table the discussion and shared that Mr. Pinney has a copy of the letter that he signed today. Mr. Pinney state that Mr. Ford feels that he owns the road and no one can use it. Mr. Pinney discussed the Town's easement on any road.

Mr. Pinney stated the situation wasn't about the road. It's beginning to get very intense in the last month and he has talked with Chief DiSalvo.

The Selectmen tabled discussion until Mr. Ford receives a copy of the letter.

***** FIREWORKS PERMIT - Timothy Parsons - Fitzwilliam Swim Club**

Fireworks Permit for Timothy Parsons – 49 Richmond Road – on land over water on July 4th.

Mr. Baker made a motion to accept. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Abstained, Mr. Kenison - Yes. Approved – 2-0

Fireworks Permit for Tanton Mattson - Fitzwilliam Swim Club, East Lake Road - on water on July 3rd, rain date - July 4th.

Mr. Baker made a motion to accept. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Yes, Mr. Kenison - Yes. Approved – 3-0

***** REVIEW NOTICE OF SCHOOL FUNDING FORMULA MEETING – JULY 19th - The Selectmen reviewed.**

***** DISCUSS ZONING VIOLATION – 977 NH RT 12 S (Map 4, Lot 63)**

Ms. Carney reviewed the zoning violation. Ms. Carney looked at the site and there were 14-15 cars, parked on the State Line Trucking side of the road, along the fence, plus multiple cars in the lot. The maximum number of vehicles is 12, parked in an orderly fashion, and not parked in the Town right-of-way. The Selectmen asked Ms. Favreau to send a letter.

***** NON-PUBLIC SESSION RSA 91-A:3 II(b) – HIRING**

At 8:45 p.m. Mr. Baker made a motion to go into non-public session under RSA 91-A:3 II(b). Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

At 8:46 p.m. Ms. Carney 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. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

***** NON-PUBLIC SESSION RSA 91-A:3 II(b) – HIRING**

At 8:46 p.m. Mr. Kenison made a motion to go into non-public session under RSA 91-A:3 II(b). Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

At 8:49 p.m. Mr. Kenison 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. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes.

OTHER BUSINESS:

- Tap Grant Funding

Ms. Carney shared that the fire department attended a non-permitted fire and the State Forestry Department has issued citations. They are waiting for bills to come in, so the State can see what it costs to attend fires. Ed Mattson will work with the State Forestry Department to make sure all of the bills are received.

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ON-GOING BUSINESS:

**June Meeting Schedule: 7:00 pm - Monday - June 18, 2018
7:00 pm - Monday - June 25, 2018**

Mr. Kenison made a motion to adjourn the meeting at 9:10 p.m. Mr. Baker seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Nancy Carney, Chairman

Daniel Baker

Charles Kenison
Board of Selectmen