



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
July 16, 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**
- July 10, 2018

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

***** APPROVE MANIFESTS**

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

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

***** CERTIFICATE OF OCCUPANCY**
- Map 4, Lot 43-1

Map 4, Lot 43-1 – Mr. Baker made a motion to approve the Certificate of Occupancy for Map 4, Lot 43-1. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

***** CONSTRUCTION PERMIT**
Map 12, Lot 32-2

Map 12, Lot 32-2 – Mr. Baker made a motion to approve the Construction Permit for Map 12, Lot 32-2. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

7:15 NON-PUBLIC SESSION RSA 91-A:3 II(c) – HARDSHIP ABATEMENT

At 7:15 p.m. Mr. Baker 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. Carney - Yes, Mr. Kenison - Yes.

At 7:37 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.

7:30 MEET WITH ROBERT FORD AND ATTORNEY
Re: Robert Ford's e-mail - Upper Gap Mountain Road Maintenance

Robert and Jean Ford and their Attorney, Silas Little met with the Selectmen to discuss the road maintenance of Upper Gap Mountain Road by Dana Pinney. Also, in attendance were Dana and Cheryl Pinney and their Attorney, Jason Reimers.

Attorney Little stated he had written a letter to the Board in reference to Mr. Pinney maintaining the road when Mr. Ford owned both sides of the road. Attorney Little reviewed what was included in his letter and stated it was passable and didn't need any additional work. Mr. Ford stated that going south he owns half of the road and still has the same concerns about what's being

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done, how and why and was he protected from liability. Mr. Baker asked if he was asking the Town to protect him. Mr. Baker stated the Selectmen were aware that maintenance was granted. Mr. Baker shared it was a Class VI road and asked if Mr. Pinney would need to get permission from the Road Agent. Attorney Little stated no plans were given to the Road Agent on what the work would be. Mr. Baker stated the only request was that it be in writing.

Attorney Reimers stated that Mr. Pinney had sought permission and had received permission and would seek it in the future. Attorney Reimers shared that the State requirements stated that permission was needed and Mr. Pinney has been doing work on the Class VI road for many years. Mr. Ford stated that Mr. Pinney has been doing work illegally for many years. Mr. Baker stated to go by the book - give advance notice and have it approved by the Road Agent. Mrs. Ford asked it to be written. Mr. Baker stated he didn't want to get into that – it was a small portion of the road which has been maintained for many years without any issues. Mr. Ford asked to be included in that conversation. Mr. Baker stated no – it was between the Road Agent and Mr. Pinney. Attorney Little stated they would make a 91-A request. Mr. Ford asked who was liable. Mr. Baker stated the Selectmen would require Mr. Pinney to sign a waiver.

Mr. Baker stated the Road Agent would be informed of what work would be done and it was up to the Road Agent to handle it. Mr. Baker stated if they were injured, that it would be a civil matter between Mr. Ford and Mr. Pinney. Ms. Carney stated that the Selectmen have had no communication with Mr. Pinney. Mr. Ford accused the Selectmen of not following through in that it went to the Road Agent. Mr. and Mrs. Ford have concerns about liability and Mr. Pinney doing work on the road. Mr. Ford stated he was the land owner and an abutter. Attorney Reimers mentioned that last summer Mr. Ford alluded to liability but hasn't produced documentation. Mr. Ford stated it was Real Estate 101. Attorney Little stated that Mr. Pinney has changed the grade of the road.

Mr. Ford wanted to know how the Road Agent got that power, did the Selectmen give him the authority? Mr. Baker stated the Road Agent was an employee. Mr. Ford stated it was brought to the Selectmen last year and as abutters, there should be some degree of protection for the land owner. Mr. Ford stated the Board should do what NHMA recommends. Mr. Ford began to tell the Selectmen what their responsibilities were in regards to the work of the Road Agent. Attorney Little stated the Road Agent would tell the Selectmen or Mr. and Mrs. Ford directly of what work Mr. Pinney wanted to do. A heated discussion began between Mr. Ford and the Road Agent after Mr. Ford accused the Road Agent of not knowing what was going on.

Attorney Reimers noted that Mr. Pinney's character has been defamed by Mr. Ford, as well as by Attorney Little's characterization of Mr. Pinney.

7:45 MEET WITH RICHARD DWINELL, JAMES BARKER AND JACQUELINE WOOD Re: Pitch of East Lake Road

Richard and MaryAnne Dwinell, James and Cheryl Barker and Jacqueline Wood met with the Selectmen to discuss the pitch of East Lake Road. Mr. Barker loves East Lake Road but thought it was pitched wrong. He has taken pictures of the run off, which he handed out and wasn't sure if the Selectmen could do anything about it. Mrs. Barker stated it went down the road and now ends up at the bottom of their stairs, and it has rotted them out and goes into the garage. Mr. Baker asked when the road was done. Mr. Cuomo stated it was last June. Mr. Baker stated they had measurements taken, trying to establish the pitch and what the correct pitch should be. Mr. Baker shared that 15 measurements were taken: at the Dwinell property, left was 1.9% to 2.7%, right was 3.5%, at the Barker property, left was .4%, right was .3%, and at the Wood property, 3% and 3.7% on left and right, respectively. Mr. Baker got the information from UNH Extension, who does best practices. A gravel road has a minimum of 5% and a paved road has a minimum of 2%. It is slightly higher than that. The slope of the shoulder is a minimum of 5%. Mr. Baker stated it was different then what it was because the middle was bellied out, so the water ran down the middle of the road but now the road is pitched, which is what is needed to be done to a road. Mr. Barker asked about pitching it towards the drainage ditch. Mrs. Barker shared the Highway Department did do a lot of work on the road to clean it up. Mr. Cuomo stated in road building, you try to get the water off as soon as you can, it helps when the temperature drops and water is going down the road as it turns into ice. Mrs. Barker shared that they now have ice on their property.

Mr. Dwinell stated he would like to set the minutes of June 18th straight. He asked that (the first paragraph of his 7:45 meeting with the Selectmen) where it mentioned: *his daughter who has a Master's Degree in mathematics calculated it.* To be corrected to read: *his daughter in-law....*

Mr. Dwinell asked the Selectmen to do a site review at the night of his last meeting with the Selectmen. He stated that he spent \$1,200 for work that his brother in-law, who is a landscaper had done and after the deluge, it took all of the mulch and put it against his door. Mr. Dwinell showed a picture of the erosion to his garage due to the pitch of the road and that was why he would like the Selectmen to look at it. Mr. Dwinell stated his next move was to bring in an investigative reporter from WMUR. Mr. Dwinell shared what happened the last time he had an issue. Mr. Dwinell stated the Selectmen were responsible for the damage to his property and he asked if the Selectmen had been in touch with the town's attorney regarding liability.

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Mr. Baker stated they have been and Ms. Favreau mentioned that she talked with an attorney from NHMA. Ms. Favreau thought that Mr. Cuomo and Mr. Dwinell had come up with a solution. Mr. Cuomo stated he came and saw Mr. Dwinell and he mentioned that it would take some time to locate the material he needed. Mr. Baker stated they needed to find out what the Town's liability was and in the meantime Mr. Cuomo stated he had a solution. Mr. Dwinell mentioned that due to the weather, he has a lot of damage that he needed to pay for. Mr. Baker stated the Selectmen would schedule a site review. Mr. Cuomo acknowledged that water was running off of the road but he didn't believe that there was more water. Mr. Cuomo stated that Mr. Dwinell has had problems since 1979. Mr. Dwinell stated he didn't have problems with his garage. Mr. Cuomo shared that Ms. Wood's has a different issue. Mr. Cuomo discussed the issue with Ms. Wood's property and noted that he had talked with her contractor. Mr. Cuomo shared that he hadn't heard from Mr. and Mrs. Barker. Mr. Dwinell showed Mr. Cuomo the pictures that he had taken of the water issue on his property and stated he has a problem and was looking for a solution. Mr. Dwinell stated that he would sue the Selectmen, if they don't have a solution and also for discrimination. Mr. Dwinell mentioned the 6" piece of conduit that Mr. Cuomo had put in for a resident on East Lake Road.

Mr. Cuomo shared that he has the material needed for Mr. Dwinell but he wanted to wait until he got back in town to handle it himself. Mr. Dwinell stated he wanted a culvert. Mr. Baker asked Mr. Dwinell to give the Selectmen three weeks to get information and Mr. Dwinell agreed.

Ms. Favreau asked that while all of the parties were present, if the site walk could be scheduled. Ms. Wood shared that she doesn't want to see any harm come to the lake. Mr. Barker stated his concern, and asked if the Selectmen decided there was nothing they could do, was there something that he could do himself. Mr. Dwinell handed information to the Selectmen to review. Ms. Wood stated that she didn't get any material on the shoulder. Mr. Cuomo acknowledged and asked her to call.

Mr. Baker asked if they would accept two of the three Selectmen to do the site walk, as he wasn't available. The parties agreed and scheduled the site walk for Wednesday, July 18th at 6 p.m. Ms. Carney stated the site review would begin at Mr. Dwinell's property.

Mr. Dwinell, et al, thanked the Selectmen for their time. The Selectmen thanked them for coming in.

***** FIREWORKS PERMITS**

Fireworks Permit for Fran Gibson - 414 Fullam Hill Road. Mr. Baker made a motion to approve. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Abstained, Mr. Kenison - Yes. Approved – 2-0

Fireworks Permit for Dana Pinney - 76 Upper Gap Mountain Road. Mr. Baker made a motion to approve. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney – Abstained, Mr. Kenison - Yes. Approved – 2-0

***** NOTICE FROM STATE OF NH - PAVING ON RT 12**

Ms. Carney reviewed the e-mail from Larry Keniston regarding the NH 12 resurfacing project.

***** RESPONSE TO LETTER REGARDING LIVING STRUCTURE**

Ms. Carney reported that Melanie Marrotte stated that no one lives in the camper. It is used as storage and there is no water.

***** DISCUSS RENTAL OF TOWN HALL BY PRIVATE ORGANIZATIONS**

Ms. Favreau reviewed the Ordinance for use of the Town Hall. The Selectmen discussed.

OTHER BUSINESS:

- **PUBLIC HEARING – WEBB HILL ROAD ORDINANCE - JULY 23rd, 2018 at 7:15 p.m.** – A notice has been sent to residents living on Webb Hill Road.

- **SCHOOL FUNDING FORMULA MEETING - JULY 19TH** - The meeting has been cancelled.

- **LCHIP GRANT SITE VISIT - AUGUST 9 at 11:30 a.m.** - Dave Drasba will be in attendance.

- **HAMPSHIRE FIRE – WORK SCHEDULED JULY 24TH ON FIRE STATION** – The Selectmen discussed.

ON-GOING BUSINESS:

July Meeting Schedule: 7:00 pm - Monday - July 16, 2018
7:00 pm - Monday - July 23, 2018
7:00 pm - Monday - July 30, 2018

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Mr. Baker made a motion to adjourn the meeting at 8:50 p.m. Mr. Kenison 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