



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
July 20, 2022
6:00 P.M.

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

Guests: Dana Pinney

Mr. Doerpholz called the meeting to order at 6 p.m.

PRIMARY:

***** APPROVE MANIFESTS**

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

***** APPROVE MINUTES**

- **July 7, 2022 - Public and Non-Public**

Mr. Doerpholz made a motion to approve the minutes of July 7, 2022, both public and non-public. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

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

***** REVIEW CONSTRUCTION PERMIT APPLICATION**

- **Map 42, Lot 1-55 – Demolition**
- **Map 12, Lot 35**
- **Map 26, Lot 9**
- **Map 30, Lot 7**
- **Map 25, Lot 14**

Mr. Nolan mentioned having the DPW look into any wood or cabinets to reclaim from demolitions in town. Mr. Doerpholz noted that changes have been made at the barn and DPW Director Glenn Smith was able to get a file cabinet. Discussion was held on changes at the barn due to the additional staff. Mr. Doerpholz shared that we could let Mr. Smith know of any demos.

Map 42, Lot 1-55 – Mr. Doerpholz made a motion to approve the Demolition Permit for Map 42, Lot 1-55. Mr. Craig 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 12, Lot 35 – Mr. Doerpholz made a motion to approve the Construction Permit for Map 12, Lot 35. Mr. Craig 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 26, Lot 9 – Mr. Nolan mentioned that at the Planning Board meeting last night, there was after the fact construction work done by Sebastian Barthelmess. Mr. Nolan wondered if it might involve this property on Anderson Road as well. Ms. Favreau noted that if it was concerning a driveway on someone else's property, that it was a civil matter. Mr. Nolan mentioned a dock that was grandfathered in and it is being looked into.

Ms. Favreau shared that on Map 26, Lot 9 there are a lot of non-conforming structures. One issue is that they turned a deck into a screen room and kitchen. Mr. Doerpholz shared that we could have Code Enforcement Officer, Justin Killeen do a site

BOARD MEETING MINUTES - July 20, 2022

walk. Mr. Doerpholz asked if this should go to the Planning Board. Mr. Craig asked if they should have had a demolition permit. Mr. Craig asked about the travel trailers on the property. The Selectmen agreed to refer to the Planning Board and go in for site plan review.

Map 30, Lot 7 – Mr. Nolan made a motion to approve the Construction Permit for Map 30, Lot 7. Mr. Craig 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 25, Lot 14 – Mr. Doerpholz made a motion to approve the Construction Permit for Map 25, Lot 14. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0
The Selectmen agreed that a Certificate of Occupancy was needed.

6:15 PUBLIC HEARING TO DISCUSS TOWN BEACH ORDINANCE

Mr. Doerpholz opened the public hearing at 6:15 p.m. and the public hearing notice was read.

Those in attendance were: Dana Pinney, Larry LaFlamme and Sharon LaFlamme

Mr. Doerpholz noted that if the times are changed that a new sign would be needed. Mr. Doerpholz suggested having the hours from dawn to dusk. The Selectmen explained the need for the public hearing to Mr. & Mrs. LaFlamme.

Ms. LaFlamme agreed with this. She shared an incident that happened while she was at the public beach with her children and the need for her to go to the Police Department to complain about the behavior while she was there. Mr. Craig asked about mentioning that there isn't a life guard on duty and to use at own risk. It was also mentioned that a Transfer Station sticker was needed. Mr. Pinney thought it stated that there wasn't a life guard on duty. Mr. Doerpholz wanted to make sure that the language wanted is on the new sign.

Mr. Doerpholz made a motion to change the hours at the public beach to dawn to dusk. The new ordinance would be included in the newsletter. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

There being no further public comment, Mr. Doerpholz closed the public hearing at 6:23 p.m.

6:30 MEET WITH LARRY AND SHARON LAFLAMME Re: Classification of building on assessment

Sharon LaFlamme shared that about 20 years ago they got a permit and made significant changes. They are looking to sell the property and their realtor suggested that they try to change it to a single family home. Larry LaFlamme shared that he talked to Avitar and they asked if the mobile home frame (chassis) still existed, and if so it is a mobile home. Mr. LaFlamme didn't think that Avitar wasn't interested in doing a site walk. Mr. LaFlamme showed the Selectmen what changes were made. Mr. Nolan shared that the classification is what HUD puts on when the mobile home is built because they have a frame. Ms. LaFlamme asked about the house being redone – electrical, walls, foundation, etc. Mr. LaFlamme shared that there are three rooms that remain of the original home but they were taken down to the studs and he noted that there is a steel frame under a portion of the structure. Mr. Doerpholz shared that Avitar is going by the letter of the law and he asked if Avitar does a site walk, could they make a different determination. Ms. Favreau shared what Loren Martin's e-mail reply was to her when she asked this question. Mr. Doerpholz asked if she was aware of the additions.

Ms. Favreau reviewed what is noted on the tax card. Mr. Nolan shared that we don't have the legal authority to change this because it is classified by HUD. Mobile homes can be financed, but there are different classifications. Ms. LaFlamme asked if there was a way that it could be reclassified considering all of the changes that have been made. Mr. Doerpholz shared that Ms. Martin was provided all of the information and she stated that it couldn't be reclassified. Mr. LaFlamme shared that the only reason for inquiring about this is that some banks won't finance a mobile home.

Mr. and Mrs. LaFlamme thanked the Selectmen for their time.

7:00 MEET WITH REPRESENTATIVE JENNIFER RHODES

Introductions were made. Representative Jennifer Rhodes of Cheshire County District 15, shared that there has been a redistricting and that Fitzwilliam has replaced Marlborough in the district. Representative Rhodes will be running for re-election, so she wanted to meet with Fitzwilliam's Board of Selectmen.

Representative Rhodes updated the Selectmen on the committees she has served on and the positions she has held. Representative Rhodes discussed the bills that she worked on and shared what funds Fitzwilliam would receive as a result of the bills' passage. Representative Rhodes shared that Fitzwilliam wouldn't receive any free and reduced breakfast/lunch funds. She noted that Troy would receive \$64,830. Mr. Doerpholz mentioned that the school funding formula is grossly unfair.

BOARD MEETING MINUTES - July 20, 2022

Fitzwilliam's evaluation is much higher than Troy. Mr. Doerpholz would like it changed to 100% per pupil, which would be fair. Mr. Craig shared that 40.88% of Fitzwilliam's students qualify for free and reduced breakfast/lunch according to the 2019 census. Mr. Nolan discussed when the Monadnock District was originally set up and what taxes were based on and the changes that have been made.

Discussion was held on the existing formulas, leaving the district, schools being over populated with teachers, children with special needs, special needs being federally regulated, and that more parents aren't sending their children to public schools.

Representative Rhodes shared what the bills included that were passed. She mentioned the flooding last year, and that she secured emergency equipment for towns that she represented. Mr. Doerpholz asked if this was still available. Representative Rhodes shared that she would check. She shared that originally DHHS delivered the equipment but she wasn't sure if that was still an option. Representative Rhodes would make a phone call tomorrow. The equipment included cots, mattresses, pillows, wheelchairs, folding tables and folding chairs. Representative Rhodes also mentioned that she got towns money for Covid relief. She would follow-up with Ms. Favreau. Mr. Doerpholz shared that if available they would follow-up with their emergency management team.

Mr. Craig asked when the second round of ARPA funds would be available. Representative Rhodes shared that she would ask Chris Coates, County Administrator. The County received ARPA funds last year and Cheshire County was the only county that distributed the funds to towns. Representative Rhodes also shared that there was money for dams and it was already allocated. Next year, Troy may be eligible for funds, as she was able to get them moved up on the list. She would follow up regarding ARPA funds. Ms. Favreau noted that no one has received the second round of funds.

Mr. Nolan asked about the County ambulance. Mr. Nolan discussed the collaboration between Fitzwilliam and Troy. Representative Rhodes shared that she was not able to get enough information regarding the County ambulance service to say that this is a good idea – let's do it. Representative Road attended the meeting via Zoom and was out voted to deny raises, ARPA funds being used to front load the service and the County wanting to purchase DiLuzio. They (County) couldn't tell anyone what the cost would be. Then, the County met with DiLuzio and she wanted to know the cost and rate of pay. The hourly rate is \$15.00 and in theory it is a great idea but where are the funds coming from. Representative Rhodes asked how many employees would be needed to work at DiLuzio's but the County couldn't tell her. They expected that people would come work for them but the County also didn't know how many people they would need. Every representative that wasn't on the Executive Board didn't ask a single question and voted yes right down the line. Representative Rhodes was the only one asking questions. She voted no because it was a bad idea and she suggested giving incentives to towns to provide the service. Representative Rhodes shared that the County purchased property in Swanzey to house the ambulance service. People in Keene were angry that they would have to foot the bill but no one knew the cost and the cost to towns would be on a sliding scale. If needed, towns would have to pay for the service. Mr. Doerpholz discussed the County's portion of the Town's taxes with no say. He shared that this needed to change. Representative Rhodes shared that over the past ten years, the Sheriff's budget has gone up over 2 million dollars. Representative Rhodes explained the budgeting process.

Discussion was held on the County purchasing property, ambulances, equipment, supplies to operate an ambulance service with ARPA funds and concerns once funding runs out.

Representative Rhodes thanked the Selectmen for meeting with her.

7:30 MEET WITH ROBERT NOLAN

- Status of Tannerite with the State
- School funding formula

Robert Nolan mentioned that the town's assessments came through and he asked about the schools funding formula and voting on 50/50. Robert Nolan brought it up four years ago and he asked where we stand as far as addressing the inequality of the school funding for Fitzwilliam. Mr. Doerpholz shared that Representative Rhodes doesn't currently represent Fitzwilliam but redistricting has been done and she will, if she wins re-election, be Fitzwilliam's representative. It was brought up to her about the formula being done per pupil. Mr. Doerpholz noted that Fitzwilliam gets out voted by Swanzey. If we go to vote again, it could be worse and could be 100%. Research is currently being done on changing the formula. Robert Nolan shared that Robyn Bates' solution was to get with other towns the way Claremont did. He (Nolan) shared that even the State legislature has chosen not to abide by the Court's ruling. Mr. Doerpholz shared that we are currently working with Troy on providing a collaborative ambulance service. Mr. Doerpholz mentioned that there are multiple towns involved in lawsuits regarding the formula. Robert Nolan asked if Fitzwilliam has signed on with any of the lawsuits. Robert Nolan shared that Ms. Bates indicated four years ago that this was the route to take. Robert Nolan mentioned that we currently don't have any say and he asked what the difference was with paying tuition. Robert Nolan asked where Fitzwilliam would draw the line and say enough is enough. Mr. Craig shared that we need to look at the finances. Robert Nolan shared that Fitzwilliam needed to look into the finances of getting out of the district. Robert Nolan asked where Troy was in regards to assessment. He is afraid where we would be with the County and he didn't think it was a good idea to work with Troy to provide an ambulance service. Robert Nolan shared that he pays a substantial amount in taxes and doesn't mind paying the school district if it is fair.

BOARD MEETING MINUTES - July 20, 2022

Mr. Doerpholz shared that the real solution is to have the formula changed at the State level. At the local level it doesn't work. The best option is to get it changed at the State level and to be equitable state-wide. Robert Nolan agreed. Mr. Craig shared that it pits town against town. Robert Nolan would look at leaving the district and he was not in favor of being in partnership with Troy to provide ambulance service. Mr. Craig shared that we have gone through that process and we believe it is fair and equitable.

Robert Nolan asked about the Tannerite issue and noted at the last Town meeting, after being encouraged by the Chief of Police and Dan Baker stating that it was the only way to go, the rug was pulled out from under him. The Selectmen wrote a letter to Representative Hunt but didn't know if he responded. Robert Nolan shared that they don't have the issue in Bowkerville any longer but it is happening in Troy. Robert Nolan mentioned that if Tannerite was classed differently, it wouldn't be legal to purchase. The only way to get Tannerite reclassified would be by the legislature. Mr. Doerpholz shared that they may not be able to do anything at the State level because it is legal at the federal level. Mr. Craig shared that there are noise ordinances if it is a problem at night. Mr. Doerpholz shared that he checked with the Police Department and there hasn't been any complaints in over a year. Robert Nolan shared that people don't call in anymore. Mr. Doerpholz shared that the Police Department is limited in what they can do because it is legal. If it is being done late at night, there is a noise ordinance. Discussion was held on catching the person in the act with Tannerite, ATVs, being after hours and the Police Department not being able to do anything. Robert Nolan mentioned that he has written to Senator Maggie Hassin.

Mr. Doerpholz shared that the Selectmen are trying to work on the school formula. Mr. Doerpholz didn't know if a letter from the Selectmen regarding the Tannerite issue would do much. Robert Nolan felt it would do more than his letters. Mr. Craig asked if a committee could be put together to look at the old files on the issue of leaving the district and what options there might be.

Robert Nolan thanked the Selectmen for their time and shared that he would be willing to serve on a committee if formed.

*** UPDATE ON SPRINKLER SYSTEM

Mr. Doerpholz shared that Hampshire Fire sent in a proposal. Ms. Favreau shared that they weren't sure if the piping went all the way to the steeple but they felt it needed to be. They would like a contractor to work with them to drill a hole in the copper. Ms. Favreau shared that Wade Leventry has been used for Town projects in the past. Mr. Nolan shared his concern about drilling a hole in the copper and possibly creating a leak. Discussion was held on using a rubber grommet or a boot. Mr. Craig asked if things are done as they should be, they could be addressed at that time. Mr. Doerpholz shared that they could check for leaks. Mr. Doerpholz noted that Hampshire Fire was the lowest bid by \$1,000 and they could be here next week. Life Safety was 8-12 weeks out. New piping and sprinkler heads would be used. Ms. Favreau shared that Mr. Leventry had gotten a quote from an electrician that he has worked with before.

Ms. Favreau shared that Hampshire Fire won't start work until someone signs the proposal. Mr. Nolan shared that we want our concerns addressed and asked Ms. Favreau to convey the Selectmen's concerns.

Mr. Craig moved that we accept the bid from Hampshire Fire Protection and whatever adjustments we ask them to do and to hire Wade Leventry to do the carpentry work and for Mr. Leventry to hire an electrician for \$1,500. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

*** UPDATE ON REPAIRS TO TOWN HALL

- Land Use Office
- Upper Ceiling

Mr. Craig shared that Caleb Massin was at \$1,500 for ceiling repair in the Land Use office. Mr. Massin is super busy and would come in on a Saturday. Ms. Favreau would make arrangements for Mr. Massin to be able to access the Town Hall. Mr. Massin would prepare a contract.

Mr. Craig also shared that Nathan Johnson has been really receptive and came in the next day to look at the roof and found the leaks. The cost would be \$875.

The Selectmen agreed to have the work completed by Mr. Massin and Mr. Johnson.

*** REVIEW INFORMATIN FROM TAX COLLECTOR

Mr. Doerpholz reviewed the two properties that were eligible for tax deeding. The taxes owed on one property have been paid. The other property owners are paying slowly. Ms. Favreau shared that Marion Wheeler, Tax Collector suggested that the Selectmen write a letter, stating the amount to be paid. The Selectmen agreed to ask for \$300 per week.

BOARD MEETING MINUTES - July 20, 2022

*** AWARDING OF THE BOSTON POST CANE

Mr. Doerpholz shared that Richard Goodnow's mother in-law, Bertha Holman, would be turning 100 on August 14, 2022. Mr. Goodnow had shared with Mr. Doerpholz that the cane doesn't need to be presented to Ms. Holman on her birthday. Mr. Doerpholz proposed making the presentation at the end of or during the Selectmen's August 4th meeting. The Selectmen were in agreement. Mr. Doerpholz would follow-up with Mr. Goodnow.

*** DISCUSS LIGHTING COMPLAINTS

- Turnkey Lumber
- NGL-NE Real Estate

Mr. Doerpholz shared that the Selectmen reviewed the lighting at both companies. Mr. Doerpholz didn't see a problem with lighting at either company. The Selectmen agreed. Mr. Pinney was asked about the lighting and he shared that he hasn't noticed since he brought it up. Mr. Pinney shared that the lights show way up in the trees, it is shining on the other property. Mr. Pinney mentioned that from his property he can see the glow of the lights at Turnkey Lumber and he offered for the Selectmen to view from his property. Mr. Pinney would look at the lighting and if that has changed, he would withdraw his complaint.

*** DISCUSS E-MAIL FROM LAND USE OFFICE

- Barthelmess Property

The Selectmen reviewed and Mr. Doerpholz shared that Sebastian Barthelmess was told by the ZBA to take the gazebo down. Mr. Doerpholz mentioned that it was a kit and could be taken down easily. The building was put on the same footprint but a loft/attic area was added. Mr. Doerpholz shared that the Selectmen can give Mr. Barthelmess a timeframe in which to take the gazebo down, in addition to the ZBAs decision. Mr. Doerpholz noted that if Mr. Barthelmess had applied for a Construction Permit it would have been denied. Mr. Nolan shared that Mr. Barthelmess was told multiple times what he needed to do and he has ignored it. It was mentioned that Mr. Barthelmess has advertised the property as an Airbnb but has since removed the advertisement. Mr. Doerpholz shared that the Selectmen needed the ZBAs Notice of Decision and the Selectmen can add their conditions. The Selectmen agreed to state in their letter - as the 30 day window of appeal has passed, you now have 30 days from the date of this letter to remove the gazebo. Until such time as the Construction Permit and a Certificate of Occupancy has been obtained, the property can't be used.

*** REVIEW BOS OPERATIONAL GUIDELINES

Mr. Doerpholz shared how the Selectmen's Operational Guidelines came about. The Selectmen reviewed and made changes. Ms. Favreau captured those changes and would update the guidelines.

Mr. Doerpholz mentioned that if the Selectmen have any changes to the Code of Ethics, to bring their changes to the next Selectmen's meeting.

*** NON-PUBLIC RSA 91-A:3 II(m) – REVIEW PREVIOUSLY SEALED MEETING MINUTES

At 10:02 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(m). Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 10:08 p.m. Mr. Doerpholz made a motion to leave non-public session. Mr. Nolan seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

The Board voted to keep the non-public minutes of March 3, 2022 (a) and March 8, 2022 (c) sealed.

The Board voted to unseal the non-public minutes of March 8, 2022 (a).

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

At 10:08 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 10:15 p.m. Mr. Doerpholz made a motion to leave non-public session. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 10:15 p.m. Mr. Doerpholz made a motion to seal the non-public 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.

BOARD MEETING MINUTES - July 20, 2022

INFORMATION

- LCHIP site visit 9/27/22
- Letter regarding KENO
- Highway department vehicle repairs

The LCHIP visit would be held on September 27th. Mr. Craig was available and Mr. Nolan would attend if available.

ON-GOING BUSINESS:

- *** **TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT**
- Unregistered vehicles
 - Debris and junk in yards

Mr. Doerpholz made a motion to adjourn the meeting at 10:17 p.m. Mr. Nolan 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