



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
August 4, 2022
8:30 A.M.

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

Guests: Dana Pinney

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**

- July 20, 2022 - Public and Non-Public

Mr. Doerpholz made a motion to approve the minutes of July 20, 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. The Selectmen discussed Mr. Barthelmess' removal of the roof on the gazebo. The structure was to have been completely removed and the Selectmen stated that the structure doesn't have an approved Construction Permit. The Selectmen asked for additional language to be added to their letter to Mr. Barthelmess. The Selectmen's recourse would be to fine Mr. Barthelmess each day the violation exists.

***** REVIEW CONSTRUCTION PERMIT APPLICATION**

- Map 11, Lot 20
- Map 42, Lot 2-60
- Map 23, Lot 1

Map 11, Lot 20 – Mr. Doerpholz made a motion to approve the Construction Permit for Map 11, Lot 20. 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Map 42, Lot 2-60 – Withdrawn temporarily while waiting for additional information.

Map 23, Lot 1 – John Anderson met with the Selectmen to discuss his Construction Permit Application. Mr. Anderson noted the lot is too small to handle a 2 bedroom septic system. The plan reduces the number of bathrooms and it has one bedroom and an office. The septic system tank has been moved closer to the house. Mr. Anderson shared that Mr. Hagstrom had originally told him that he had a Construction Permit. Mr. Anderson had done some back fill but was informed by Ms. Favreau that until the Selectmen had approved the Construction Permit he couldn't do any work. Mr. Doerpholz noted that no variance was needed because it was in the same footprint. The Planning Board has set some conditions. Mr. Doerpholz made a motion to approve the Construction Permit for Map 23, Lot 1 with conditions as set by the Planning Board. 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.

***** REVIEW SIGN PERMIT APPLICATION**

- Map 32, Lot 4

Map 32, Lot 4 – Mr. Craig made a motion to approve the Sign Permit for Map 32, Lot 4. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

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9:00 MEET WITH WATER DISTRICT COMMISSIONERS

Commissioners, Ben Thomas, John Fitzwilliam, Ken Beckwith, and John McKew met with the Selectmen to discuss a letter received from Gretchen Wittenborg and her attorney. Mr. Craig recused himself from discussion because he is the clerk for the Water District. Mr. Thomas shared that both are asking for the well to be removed or to discontinue use by October 1st as Ms. Wittenborg plans to put her property on the market. Mr. Thomas shared that this well has been an ongoing issue. Mr. Thomas didn't think they could respond without legal counsel. A copy of Ms. Wittenborg's e-mail and her attorney's letter were handed out to the Selectmen. Mr. Thomas shared that this is complicated as the Town has had DrummondWoodsum as counsel. Mr. Doerpholz shared that they haven't been retained for this issue, and the Selectmen were only asked to be intermediaries. Mr. Thomas shared that their attorney has retired and DrummondWoodsum is the law firm. Attorney Decker at DrummondWoodsum felt that since they have represented the Town, and Ms. Wittenborg asked that the Selectmen facilitate meetings between herself and the Fitzwilliam Village Water District, it was a conflict for them. Mr. Doerpholz shared the Selectmen's involvement in this issue. Mr. Thomas didn't feel he could respond to any letter without contacting an attorney and shared that he did reach out to Shaheen & Gordon. Mr. Thomas mentioned that DrummondWoodsum was happy to share their historical files.

Mr. Thomas shared that Ms. Wittenborg mentioned that John Holman was going to be moving the horse barn and possibly going through the well area. Mr. Thomas noted that it wouldn't be an issue for them or DES.

Mr. Thomas shared that his role as head Commissioner is a caretaking role and he tries to maintain a system that has been in existence since 1965. This causes them to think about a modern protected water source. A possible solution would be if they could get permission from the Town to use one of the Town owned properties. Dan Crosby has been looking into funding sources. Historically 20-30 grants are funded and the Water District was 36. It is estimated to cost in excess of \$250,000 to develop a true municipal water system – well and pump house.

Mr. Thomas shared that speculative, Ms. Wittenborg's well is the District's best producing well and they wouldn't be abandoning it any time soon. They would like to keep this as a reserve. Dan Crosby mentioned to Mr. Thomas that if they get federal funds, there are rules and regulations on who the contractor could be. The \$250,000 is a ball park number using local contractors. If using the typical real estate logic – Mr. Thomas shared that it would double the water rate to \$45 per household per month. The first step is to see if the Selectmen would entertain the idea of putting a well on Town property – ski area or Schupack. Mr. Doerpholz shared that there is a conservation easement on the properties. Ken Beckwith thought the process would take at least two years. Mr. Doerpholz suggested they talk to the Conservation Commission to discuss the easement, as they purchased the Schupack property. Mr. Thomas shared that this would have to be approved by DES. Mr. Thomas would like to expand the Water District to other parts of town in addition to the 55 they currently have. This would be the first step, through the Water District or the Town. Mr. Thomas would rather put money towards this instead of a legal matter. Mr. Thomas didn't know if he could get a legal opinion before October 1st. They certainly, in drought conditions, can't abandon the well. Mr. Thomas was asked what he would do with this well and Mr. Thomas responded that he didn't know. Mr. Thomas shared that access to the back of Ms. Wittenborg's property was the main issue and prohibits her from putting a road in.

Mr. Thomas shared that they are at a standstill and can't abandon the well any time soon. To develop a new water source, the process can take at least a 1.5 years or possibly 2 years. Still, Mr. Thomas felt it was a worthwhile goal. The Commissioners would love to put in all new piping and Mr. Crosby has put in grants.

Mr. Doerpholz encouraged them to meet with the Conservation Commission if they want to put in a new well in one of the properties mentioned above. The Conservation Commission's next meeting is August 15th.

Dana Pinney shared that if Public Service comes to a homeowner to get an easement and they are denied by the land owner, they offer to purchase the property and redo the easement and put back on the market. Mr. Pinney thought that maybe someone would facilitate a loan for a short time. Mr. Doerpholz mentioned a bond.

Mr. Thomas mentioned that the wells are all grandfathered in and they have official easements on the other two wells. It would benefit the Town in the long run to have a municipal well. Mr. Beckwith asked if the Town would ever be interested in taking over the Water District. Mr. Doerpholz shared that it would be a hard sell, since it only services 55. Mr. Thomas shared his long term goal would be to have water/sewer and include the area along the lake.

The Commissioners thanked the Selectmen for their time.

*** UPDATE ON REPAIRS TO TOWN HALL

- Sprinkler System
- Land Use Office
- Town Hall Roof

Ms. Favreau shared that Hampshire Fire has completed their work and that Wade Leventry was here a lot guiding them. Ms. Favreau noted that A.L. Johnson repaired the roof and Caleb Massin finished the ceiling work in the Land Use office.

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Mr. Doerpholz shared that he fixed a number of light fixtures at the highway barn and he mentioned that the public service building is also losing fixtures. Mr. Doerpholz is looking at LED pricing and noted that Eversource gives a discount. It will reduce the consumption in both buildings. Mr. Doerpholz would let the Board know when he gets final pricing.

*** AWARDING OF THE BOSTON POST CANE

The Selectmen would present the Boston Post Cane to Richard Goodnow's mother in-law, Bertha Holman once they adjourn their meeting.

*** DISCUSS LIGHTING COMPLAINTS

- Turnkey Lumber
- NGL-NE Real Estate

Mr. Doerpholz asked about the status. Mr. Pinney shared the pictures that he had taken of the lighting last week at 4 a.m. The pictures were taken from the road showing the lights shining up into the trees and the lights at the loading dock. Mr. Pinney also shared a picture showing lights coming from these properties, as well as Xtreme Auto that was taken from his property at 4 a.m. Mr. Pinney mentioned that he talked with Suzanne Gray. Mr. Pinney shared what questions he asked of Turnkey Lumber when they met with Planning Board and their response.

Mr. Pinney asked why these lights are on all night when we have a night sky ordinance. Mr. Doerpholz shared that the Selectmen can visit all of those businesses individually or at their next night meeting, they can take a site "drive". The Selectmen agreed to look into at their meeting on August 17th. Mr. Pinney shared that the ordinance shared that older lights were grandfathered in but if changed, they would no longer be grandfathered in.

*** NOTICE OF SECOND PAYMENT ARPA FUNDS

The Selectmen reviewed the notice and the receipt of ARPA second round funding in the amount of \$124,109.59.

*** REVIEW PROGRAM REQUESTS FROM RECREATION

Mr. Doerpholz shared that the Recreation Commission wanted to hire a Soccer Coordinator and to increase the stipend. Ms. Favreau shared that they have the funds. The Commission is also looking for Sheena Royce's replacement. Ms. Royce has agreed to stay until a replacement has been found.

*** REVIEW LETTER FROM STATE OF NH

- Re: stop sign

Mr. Doerpholz reviewed the letter from NH DOT. Mr. Doerpholz shared that if they are not going to address this as it is a state road, then the town can put up our own sign. Mr. Doerpholz noted that the DPW has cut back the vegetation. Ms. Favreau shared that she has talked with DPW Director Glenn Smith and his opinion is that it's the state's sign as it is a state road. The Selectmen agreed to put up a STOP sign and take down the YIELD sign. Mr. Smith would be notified to cut more brush and add the STOP sign.

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

At 10:21 a.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(m). Mr. Nolan seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 10:27 a.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.

Mr. Doerpholz made a motion to unseal the non-public minutes of March 16, 2022. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

Mr. Doerpholz made a motion to keep the non-public minutes of March 24, 2022 (a) (10:09 a.m.) sealed. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

Mr. Doerpholz made a motion to keep the non-public minutes of March 24, 2022 (a) (11:27 a.m.) sealed. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

Mr. Doerpholz made a motion to unseal the non-public minutes of March 24, 2022 (a) (12:18 p.m.). Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

Mr. Doerpholz made a motion to keep the non-public minutes of March 30, 2022 sealed. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

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INFORMATION

- LCHIP site visit 9/27/22
- Grant Information

Mr. Doerpholz mentioned the junk yard application that was received. Mr. Nolan shared that there are a couple of vehicles out front that he would consider junk. Mr. Nolan mentioned that the Selectmen wanted Chief Leonard DiSalvo to meet with the Selectmen. Mr. Nolan mentioned a camper in the back and that someone maybe living there. Mr. Nolan wanted to get the information from Chief DiSalvo. Mr. Doerpholz asked that Justin Killeen, Code Enforcement Officer follow up and for the Selectmen to look at the junk yard information from other towns to draft a policy and ordinance for junk yards. This would be discussed at the Selectmen's September meeting.

Mr. Nolan shared that 103 Bowkerville Road didn't get a construction permit for the garage. They stopped work but they are using it. Ms. Favreau shared that we have written to the owner and we haven't heard from him. Mr. Doerpholz asked if we should send this to Attorney Joseph Hoppock. Ms. Favreau would have Mr. Killeen look into first. Mr. Nolan shared that the Land Use Coordinator found this violation.

Ms. Favreau shared that there were no interviews scheduled because there was no one to interview for Sheryl White's position. No one returned Ms. Favreau's call to come in for an interview. Ms. Favreau shared that she and Ms. White had talked and Ms. White agreed to stay on longer. Ms. Favreau shared that she was very flexible with Ms. White's schedule and the one thing that takes a lot of Ms. White's time and is her least favorite job is the minutes. Ms. Favreau shared with the Selectmen that she had thought about hiring a meeting minute clerk for the Selectmen's meetings and this person could also do the extra meetings for other boards as well. Ms. Favreau mentioned that code enforcement at this point could be full-time with writing letters and follow-ups. Ms. Favreau shared that she has also thought about changing the position to full-time as she wanted to be able to groom that person for her position as Town Administrator. Mr. Doerpholz noted that people want a full-time position with benefits.

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 10:40 a.m. Mr. Craig 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