



BOARD OF SELECTMEN
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Fitzwilliam Town Hall
13 Templeton Turnpike, Fitzwilliam, NH 03447

BOARD MEETING MINUTES
August 16, 2023
6:00 P.M.

Selectmen Present: Brian Doerpholz, Martin Nolan, Nancy Carney

Guests: Dana Pinney

AGENDA:

- **Call to Order**

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

- **Public Comment**

- **Public Hearing**

- **Appointments**

- **6:30 Meet with Richard Dwinell – Survey of property, enforcement issues**

Health Officer Carol Ann Rocheleau attended the meeting. Richard Dwinell shared with the Board of Selectmen that he had his property surveyed and it shows he has 1.48 acres, not 4.4 acres. The cars are not on his property, they are on Mr. Dutton's. Carol Ann Rocheleau shared that Mr. Dwinell owns the cars whether they are on Mr. Dutton's property. Mr. Dwinell shared that his attorney would like a copy of the RSA relating to antique cars on a property and what is needed to keep cars on a property. Ms. Rocheleau cited RSA 236 - Highway Regulations, Motor Vehicle Recycling Yards and Junk Yards Section 236:111-a – Scope. Ms. Rocheleau gave a copy of the RSA to Mr. Dwinell.

Mr. Dwinell then asked the Selectmen to review the survey of his property. Mr. Dwinell pointed out his store property and his one car garage, which isn't on his property. Mr. Dwinell noted that his next door neighbor owns part of his house. Mr. Dwinell didn't know how this happened but he bought the property this way. Ms. Favreau asked Mr. Dwinell if the survey was recorded. Mr. Dwinell shared that the survey was done by Field Stone and he didn't know. Mr. Dwinell shared with the Selectmen what happened to change the acreage on his property. It was someone in the Selectmen's office and it wasn't a mistake. Mr. Dwinell asked what the Selectmen intend to do about it. Mr. Dwinell stated that he has been taxed on 4.4 acres for many years. Mr. Nolan shared that we can correct it now but we can't go back. Mr. Dwinell stated that it would be up to his lawyer what would be done. Mr. Dwinell wanted the person from Avitar to re-visit his property. It was noted that it would be done once the survey has been given to Avitar. Mr. Dwinell shared that the tax records need to be corrected. Mr. Dwinell stated that when it is proven that he is correct, he would be suing the Town big. Mr. Dwinell mentioned that he isn't happy about being harassed with the warrant, and a police cruiser, as it isn't good for his business. Mr. Dwinell shared that Assistant Fire Chief Charley Kenison had apologized to him for what he had to do. Mr. Dwinell isn't happy with what the Town did and he said that he was harassed. Mr. Doerpholz pointed out that Mrs. Rocheleau is a duly appointed officer of the town and is trained for her position. She is carrying out her duties and is not harassing Mr. Dwinell.

Ms. Rocheleau asked Mr. Dwinell if he owned the mobile home and she shared that it concerns her. Mr. Dwinell stated that he owns it and he wanted to know her qualifications to be a Code Enforcement Officer. Ms. Rocheleau shared that she is the Health Officer. Mr. Dwinell wanted to know her qualifications for electrical. Mr. Dwinell stated to Ms. Rocheleau that she could go ahead and harass him. Mr. Dwinell wanted to know what her qualifications are for enforcing code. Ms. Rocheleau shared that she is the Health Officer. Mr. Dwinell asked what electrical had to do with health. Mr. Doerpholz shared that it is part of health. Mr. Dwinell stated that Ms. Rocheleau can't come onto his property. Ms. Rocheleau stated she needed to get a court order. Mr. Dwinell stated that he doesn't have any respect for her. Ms. Rocheleau stated that he hasn't complied with the

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Court Order. Mr. Dwinell stated that he has one car and the other cars are not on his property. Mr. Dwinell was asked if he has written permission to store his cars on Mr. Dutton's property. Ms. Rocheleau stated Mr. Dwinell could have 5 antique cars on his property. Mr. Dwinell mentioned the number of cars that he has that are antique. Mr. Dwinell stated that he would turn this over to his lawyer and he would handle it. Mr. Dwinell told the Selectmen that they would be hearing from his lawyer. Mr. Dwinell mentioned his lawyer was the one that successfully sued the Town years ago.

Mr. Dwinell shared with the Selectmen that rust is running into Laurel Lake. The Town put drainage on East Lake Road and it comes down on the east side of East Lake Road and comes down and runs into his property. Mr. Doerpholz asked if Mr. Dwinell mentioned this to the Laurel Lake Association. Mr. Dwinell made disparaging remarks about the association and refused to contact them. Mr. Dwinell stated that he was mentioning it to the Selectmen. Mr. Doerpholz stated that they are the ones that are doing the testing at Laurel Lake.

Mr. Dwinell thanked the Selectmen for meeting with him.

Ms. Rocheleau shared with the Selectmen that Mr. Dwinell was in violation of Chapter 48A-14 – Minimum Standards of Established Housing. Ms. Rocheleau mentioned to the Selectmen how she would like to proceed. The Selectmen agreed.

- **Consent Agenda**

- **Payroll and Vendor Manifests**
- **Minutes - August 3, 2023 – Non-Public**
- **Minutes - Community Power Information Session - July 13, 2023**
- **Construction Permit Application - Map 10, Lot 83-3 - Single Family dwelling with attached garage**
- **Construction Permit Application - Map 14, Lot 37 - 40x36' barn**

Mr. Doerpholz made a motion to approve the Consent Agenda. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Minutes - August 3, 2023 – Public** – Mr. Nolan shared that the wording under Community Power as it relates to solar installation before 2016 and after should be reversed to read: solar installations done after 2016 will be automatically enrolled and prior to 2016 will not.
- **Construction Permit Application - Map 15, Lot 51 - 30x48' barn** - Mr. Nolan felt an occupancy inspection should be done as it would have power.
Mr. Doerpholz made a motion to approve the Construction Permit for Map 15, Lot 51 with an occupancy inspection. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Continued Business**

- **New Business**

- **Open Sealed Bids for Map 10, Lot 36**

Mr. Doerpholz announced that two bids had been received for Map 10, Lot 36. The bids were opened and reviewed.

Estella Zeng submitted a bid in the amount of \$3,500 and Rob Jones submitted a bid in the amount of \$4,402.01.

Mr. Doerpholz made a motion to accept the bid from Rob Jones in the amount of \$4,402.01 and all of the costs associated with preparation and recording of the deed is to be paid by Mr. Jones. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **E-mail from DPW – White Quarry Road**

Mr. Doerpholz shared that he had discussed White Quarry Road with Gene Cuomo and Mr. Cuomo mentioned that the Town hasn't maintained that road in many years. Mr. Doerpholz stated that the road hasn't been maintained because of the difficulty to traverse the road. Don Bailey has been plowing the road for many years but is unable to continue. Mr. Doerpholz noted that because the Town hasn't maintained the road, it could become a Class 6 road but Mr. Doerpholz doesn't want to abandon the people that live on the road. Mr. Doerpholz wanted to make sure that Mr. Bailey cleans up his Junk Yard so that the plow can plow the road and turn around safely. Mr. Doerpholz wanted to send Mr. Bailey a letter asking for the cleanup in order to be in compliance with the Junk Yard Ordinance.

Mr. Doerpholz made a motion to send Mr. Bailey a letter asking for him to be in compliance with the Junk Yard Ordinance and noting that the Town would agree to plow the road moving forward, only on condition that Mr. Bailey clear the road of vehicles and comply with the Junk Yard Ordinance. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

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- **Accept Donation – Daniel Baker Fund**

Mr. Doerpholz made a motion to accept the donation to the Daniel Baker Fund. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Review Letter form Town of Gilford**

Ms. Favreau shared that she received information from her list serve that the State is requiring new voting machines to be purchased. Towns would be asking for the State to pay for the machines if mandated. The State is mandating an unfunded mandate. Mr. Doerpholz would like us to send a different letter.

Mr. Nolan made a motion to send a letter to the legislature. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Discuss Economic Development Committee Membership Appointments**

Mr. Doerpholz shared that the Economic Development Committee was created with 7 members and no alternates. Several years ago, they approached the Board of Selectmen to change it to 5 members and 2 alternates. Mr. Doerpholz noted that for the last two months, they haven't had quorum. Beth Lorenz, Chair would like to have 5 regular members and 4 alternate members. Ms. Carney shared that her only concern is that the terms for the 5 members are all the same. Mr. Doerpholz shared that this group is the same but others already on the committee have different terms.

Mr. Doerpholz made a motion to change the composition of the committee to 5 regular members and 4 alternates. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

Mr. Doerpholz made a motion to appoint Kerry O'Neill and Ryan Cashman as regular members for 3 year terms. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

Mr. Doerpholz made a motion to appoint Issac Morse, Ken Abbott and Jason Newcomb as alternate members for a 1 year term. Ms. Carney seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Construction Permit Application – Map 6, Lot 46 - 12x20' addition to existing garage**

- **Construction Permit Application – Map 28, Lot 14 - 16x32' foot addition to existing dwelling**

Mr. Doerpholz made a motion to approve the Construction Permit for Map 6, Lot 46 and Map 28, Lot 14. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0
The Selectmen agreed that a Certificate of Occupancy was needed for both.

Representative Richard Thackston handed the Selectmen a book of contact information for the legislature.

Mr. Thackston shared with the Selectmen that he had his property surveyed and it isn't correct on the Town's tax map. It shows that his property goes into Russell Johnson's backyard, which it doesn't. Mr. Thackston and the Selectmen reviewed the map. Mr. Thackston's surveyor shared that he needed to give the survey to the Fitzwilliam Planning Board once it is recorded. Mr. Thackston didn't know if the Town wanted to correct the map. Ms. Favreau asked when it was recorded. Mr. Thackston shared that it was 2-3 weeks ago. Ms. Favreau mentioned that we have just received information on our new maps from Avitar.

Ms. Favreau shared that she sold the cruiser for \$3,300 and it was picked up last night. Chief Leonard DiSalvo asked if that money would go into the Special Detail Revolving Fund. Ms. Favreau shared that it made sense to her to go into that account. Discussion was held on it being a special detail vehicle and the equipment kept in it. Ms. Favreau read the purpose of the Special Detail Revolving Fund.

After discussion, the Selectmen agreed to put the money from the sale of the cruiser into the Special Detail Revolving Fund.

Ms. Carney made a motion to put the money into that fund. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes. Approved – 3-0

- **Other Business – Information Only**

- **Letter of Covey House** – Mr. Nolan shared that the Planning Board had discussed this at their meeting last night and they would be sending out another letter.

- **Letter from State of NH – possible violations** – The Selectmen discussed.

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- **Non-Public - If Necessary Non-Public Session - RSA 91-A:3 II a, b, c, d, e, I**

- **Non-Public Session – RSA 91-A:3 II(b) - Hiring**

At 6:55 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(b). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes.

At 7:03 p.m. Mr. Doerpholz made a motion to leave non-public session. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes.

At 7:03 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. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Nolan – Yes, Ms. Carney - Yes.

- **Adjournment**

Mr. Doerpholz made a motion to adjourn the meeting at 7:10 p.m. Ms. Carney seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Brian Doerpholz, Chairman

Martin Nolan

Nancy Carney
Board of Selectmen