



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**August 17, 2015**

**Selectmen Present:** Nancy Carney, Chris Holman, Susan Silverman

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

**PRIMARY:**

**\*\*\* APPROVE MINUTES**

- **August 3, 2015**
- **August 10, 2015**

Mr. Holman stated that he would abstain from approving the minutes because the meeting wasn't run properly.

Ms. Silverman made a motion to approve the minutes. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman abstained, Ms. Silverman - Yes. Approved - 2-0

**\*\*\* APPROVE MANIFESTS**

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

**7:00 MEET WITH JOHN HUNT**

John Hunt met with Frank Bequaert outside of the Selectmen's meeting.

**7:30 MEET WITH BRETT THELEN**  
**Re: Vernal Pools**

Brett Thelen gave a presentation on vernal pools to the Board of Selectmen and members of the Conservation Commission.

**8:15 MEET WITH HEATHER NOWICKI**

Heather Nowicki requested a private meeting with the Selectmen and Ms. Carney explained that all meetings are public. Mr. Holman stated that his understanding was that this meeting was a complaint and not related to personnel. Ms. Carney shared that it might be a legal issue. Ms. Nowicki stated that Mr. Holman needed to leave the room and that she has a stalking order against him and has him on video and recorded 2 weeks ago that Mr. Holman gave her the finger with her daughter in the car. Ms. Nowicki stated that Patrolman Stone said that he would talk with Mr. Holman and that is why Mr. Holman needed to leave the room. Ms. Silverman asked if there was more to her complaint because under RSA there are only a few instances where a Board can go into a non-public session. Ms. Silverman reviewed the reasons the Board could go into a non-public session. Ms. Nowicki said that a private meeting was the only way she would be safe and there wouldn't be any retaliation. Ms. Carney shared that she understood but stated that elected officials have to follow rules governing non-public sessions and Ms. Nowicki's reason doesn't fall under non-public session guidelines. Ms. Nowicki stated that it was a very private matter with the Fitzwilliam Police Department and wrote down her reason for a private meeting for Ms. Carney to view. Ms. Nowicki stated that her complaint is a private matter and was a long standing complaint against Dick Holman and that the County Attorney sent papers to his house. Ms. Carney asked Mr. Nowicki not to call people out and that the Selectmen are trying to act under the law according to the RSAs. Ms. Silverman reviewed the reasons for going into a non-

public session and Ms. Favreau asked if the meeting with Ms. Nowicki could be postponed so that the Selectmen could get legal counsel on the matter.

Mr. Holman reported that he would still be at the meeting and Ms. Carney stated that the Selectmen could ask Mr. Holman to recuse himself but he doesn't have to leave. Ms. Nowicki stated that she would take this matter to the next level. Ms. Carney stated that with the information Ms. Nowicki has presented the Selectmen are not comfortable going forward without legal counsel. Ms. Nowicki stated that there were too many conflicts of interest. Ms. Silverman stated that the Selectmen would check with legal counsel and would be back in touch with Ms. Nowicki. Ms. Nowicki stated that if this can't be addressed in private then it would go to the County Attorney. Ms. Nowicki gave Ms. Favreau her contact information.

After Ms. Nowicki left the meeting, Mr. Holman stated that he is concerned about listening in on an on-going court case and the Selectmen wanted to make sure they handle this correctly. Mr. Holman also stated that he doesn't want to be a forum for people coming in to complain and Ms. Carney stated that Ms. Nowicki was angry. Mr. Holman shared that Ms. Nowicki dropped the charge. Ms. Silverman asked Ms. Favreau when she contacts Ms. Nowicki to ask if it is a complaint about the Police Department but the Selectmen would not listen to other complaints as the Board of Selectmen was not a Court.

### **8:30 Non-Public - MEET WITH LIBRARY TRUSTEES**

At 8:40 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(e). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 8:53 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes. Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

### **\*\*\* DISCUSS ADOPTING BOARD OF SELECTMEN HANDBOOK**

Ms. Silverman shared that she found an Operational Guidelines & Handbook written for the Board of Selectmen in the Town of Gilford. Ms. Silverman thought it could be helpful in showing ways to go about delegating to make sure the Selectmen are all doing what should be done in the best interest of the Town.

Ms. Silverman mentioned that Ms. Favreau had gone through the handbook and made some of the basic changes to eliminate information that doesn't pertain to Fitzwilliam. Ms. Silverman shared that this handbook was comprehensive and was hoping the Selectmen could read through and discuss next week. Mr. Holman asked if there was an electronic copy and Ms. Silverman said a copy could be found on the Town of Gilford's website and shared that the handbook outlines how we operate as a Board of Selectmen. Mr. Holman also asked if a warrant article was needed. Ms. Favreau asked if she should start editing the handbook for Fitzwilliam and Ms. Silverman stated that it would be easier for the Selectmen to review.

### **\*\*\* REVIEW EMAILS**

Ms. Carney stated that 3 emails were received after last week's meeting. Mr. Holman asked about the emails and Ms. Carney stated the emails were received from: Kerry Gagne/Deborah Chipman, Maren Gagne and Marilyn Delongchamp.

Ms. Carney made a motion that the emails and letters received would be put in Mr. Holman's personnel file. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman abstained, Ms. Silverman - Yes. Approved – 2-0

### **\*\*\* CONSTRUCTION PERMIT**

#### **Map 42, Lot 02-63**

#### **Map 42, Lot 02-72**

**Map 42, Lot 02-63** – Ms. Silverman made a motion to approve the permit for Map 42, Lot 02-63. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**Map 42, Lot 02-72** – Mr. Holman made a motion to approve the permit for Map 42, Lot 02-72. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

### **\*\*\* REVIEW MEMO FROM EVERSOURCE**

#### **Re: additional sound study**

Ms. Carney reviewed the memo from Lisa Kavarnos of Eversource stating that they would be doing additional sound testing at the Pinney and Ford residences to gather more information on the ambient sound. Eversource intended to set up the sound equipment on September 2<sup>nd</sup> and would retrieve it on September 17<sup>th</sup>. Ms. Kavarnos would contact the Pinney's and Ford's

directly to request approval to set up the sound equipment. The Eversource team would be meeting with the Planning Board on October 6<sup>th</sup>.

**\*\*\* REVIEW AND APPROVE JUNKYARD APPLICATION**

Ms. Carney reviewed the Junkyard Renewal Application from Car Guyz Auto Recyclers, LLC.

Ms. Silverman made a motion to approve the Junkyard Renewal Application. Mr. Holman seconded.  
Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**\*\*\* REVIEW MEMO FROM STATE OF NH DOT  
Re: Intersection Rt 12 & Rt 119**

Ms. Carney reviewed the memo from Michael Dugas of the State DOT. Mr. Dugas is the project manager for the intersection safety improvements project in Fitzwilliam. Mr. Dugas referenced that local crash data to build stronger support for safety investments at the intersection of Routes 12 and 119 has not been received but was requested as a key item when the Department and the Town met in August 2013. Mr. Dugas was hoping that this information was available and can be sent to him. Ms. Favreau shared that she requested this information from Chief Leonard DiSalvo on August 12<sup>th</sup>.

**\*\*\* REVIEW SAMPLE RESOLUTION  
Re: Intervenor in the Tennessee Gas Pipeline**

Ms. Silverman reviewed the sample resolution should the Fitzwilliam Board of Selectmen want to become an Intervenor in the Tennessee Gas Pipeline.

**\*\*\* TOWN ADMINISTRATOR REQUEST TO ATTEND TRAINING  
- Budget & Finance Workshop  
- Excel Class**

Ms. Favreau is requesting approval to attend an advance excel training class at Keene High School on October 13<sup>th</sup> and 29<sup>th</sup> at a cost of \$99 and a Budget & Finance Workshop presented by NHMA on September 15<sup>th</sup> in Manchester at a cost of \$80, for a total cost of \$179.

Mr. Holman made a motion to approve Ms. Favreau's request to attend an advance excel training class and a Budget & Finance Workshop at a cost of \$179.00. Ms. Silverman seconded.  
Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**\*\*\* DISCUSS BASIC SENSITIVITY STUDY**

Ms. Carney reviewed the email from Mary Kate Ryan – State Survey Coordinator for the NH Division of Historical Resources regarding a basic sensitivity study for the Town. Ms. Ryan has asked where we are with hazard mitigation planning and what our discussions have covered in order to tailor a presentation specifically to Fitzwilliam. Mr. Holman stated that Ms. Ryan was looking for direction from us to custom tailor the presentation. Ms. Carney stated that the Town has a hazardous mitigation plan and the Town's emergency management plan requires us to have one in place. Mr. Holman asked if it was available on our website and if not, could it be. Ms. Carney stated that we would work on it. Ms. Carney asked what else we needed to work on and Ms. Silverman stated that she doesn't understand why and when and Mr. Holman shared that he wanted them to look along the proposed pipeline route to see what would be affected. Mr. Holman also shared that paring a basic study with the prime wetland study would be beneficial. Ms. Silverman asked about the cost and Mr. Holman stated that he doesn't know the cost and that was why he wanted to invite them to meet with the Selectmen. Ms. Carney stated that Ms. Ryan and team could meet with the Selectmen to determine what we are looking for and they would come back to us with a cost and then we would go from there. Mr. Holman stated that some of the properties include old cellar holes which are not on the historic surveys and Ms. Silverman wondered about the association with the pipeline if we are a little late, as comments need to be in by the 31<sup>st</sup>. Stephanie Scherr stated that questions could still be submitted and she felt that it was important and encouraged Mr. Holman to submit his. Ms. Silverman stated that we needed to raise the concern about the old cellar holes in the area of the proposed pipeline and Mr. Holman shared that archeologists have submitted a report on the historical aspect of the pipeline. Mr. Holman also shared that this is part of what he wants to see as we don't have a lot of historical information on our Town. Ms. Scherr asked Mr. Holman if he had e-filed his comments and shared that he could send them in and also add additional comments. Ms. Silverman asked Mr. Holman to take the lead and look at next week and file. Ms. Carney stated that it should be considered in the budget season. Mr. Holman stated that it's a warrant article. Ms. Silverman provided a form for Mr. Holman to use to file his comments.

\*\*\* **NON-PUBLIC SESSION**  
- **Employee Evaluation**  
- **Hiring Soccer Coordinator**

At 8:57 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(a). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 9:13 p.m. Ms. Carney made a motion to leave non-public session and seal the minutes. Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

Mr. Holman asked for a copy of a blank evaluation form and stated that this was his first evaluation for the Town Administrator and the Road Agent and he would like to see their previous evaluations. Mr. Holman stated that he was being told that he was quick to be critical and it was important to see evaluations that were done before. Discussion continued on the reasons why Mr. Holman needed to see prior evaluations. Ms. Carney stated that she understood what Mr. Holman was saying and Ms. Silverman stated that evaluation are never easy and they are based upon your experience on what that person is doing. Ms. Silverman suggested that Mr. Holman see the self-evaluation before and go with what you know – short and long term goals. Ms. Silverman shared that she doesn't look at old evaluation as she looks at what she knows now. Mr. Holman stated that by not reviewing prior evaluations you can't see growth.

\*\*\* **NON-PUBLIC SESSION**

At 9:18 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 9:24 p.m. Mr. Holman made a motion to leave non-public session and seal the minutes. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

**REVIEW:**

\*\*\* **VARIOUS COMMITTEE MINUTES**

Mr. Holman asked if we were going ahead with the Town Hall floor. Ms. Favreau stated that she had asked Ross Touringy to submit a quote for the floor as well as the handicap rail and reported that Mr. Touringy doesn't think that the handicap rail should be completely rebuild and that it just needs shoring up. Ms. Favreau also asked Mark Sweeney if he was interested in looking at the handicap rail.

**Fireworks Permit** – 335 West Lake Road on Sunday, August 23rd with a rain date of Monday, August 24<sup>th</sup>. Ms. Carney stated that if there are no signatures from the 2 departments that the fireworks can't happen.

Mr. Holman made a motion to approve the Fireworks Permit for 335 West Lake Road on August 23<sup>rd</sup> with a rain date of August 24<sup>th</sup>, provided that signatures from the 2 departments have been obtained. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman recused herself. Approved – 2-0

Ms. Carney stated that she would get the signatures for the fireworks permit.

**Fireworks Permit** – Mr. Holman asked if the Selectmen could sign off on Fitzwilliam Inn's Fireworks Permit.

Ms. Silverman made a motion to approve the Fireworks Permit for the Fitzwilliam Inn and sign after receiving the Fireworks Permit from the Police Department. Mr. Holman seconded. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman – Yes. Approved – 3-0

Ms. Favreau reported that Robin Blais had just handed in her resignation as the Town's representative for the Southwest Region Planning Commission.

Ms. Silverman reported that Henry Underwood was having interagency calls with FERC. Ms. Carney stated that we needed to write a letter to Southwest Region Planning Commission to find out what information was being disseminated to FERC. Mr. Holman stated that SWRPC posts meeting minutes but they are a few meetings behind in their posting. Ms. Carney shared that Mr. Underwood has been very vocal about his approval of the pipeline. Ms. Carney stated that we needed to know what those interagency calls were about and Ms. Silverman wanted to make it clear that Fitzwilliam is representing ourselves. Ms. Silverman shared that she appreciates that they are populating their site. Ms. Carney stated that in previous conversations with Mr. Underwood he stated that he didn't really know but he has been meeting with them all along. Mr. Holman stated that the issue is that there is a conflict with Mr. Underwood meeting with them.

Ms. Silverman shared that she had a meeting with someone from New Ipswich and they received maps from SWRPC which contained a lot of errors and the maps were missing the compressor station. The representative from New Ipswich shared with Ms. Silverman that they wouldn't make any corrections or meet with them. SWRPC said that it is a 91A request. Ms. Silverman stated that this isn't something we are asking them to do and we can't share the maps because they have wells on them which becomes a Homeland

Security issue and Ms. Silverman shared that the maps were no longer private if SWRPC has provided them to a public organization. The Selectmen discussed the content of their letter to SWRPC. Mr. Holman stated that the Selectmen needed to remember that someone that was representing our town on the SWRPC has resigned and that when he held that position he helped get the bypass for the Town of Troy. Mr. Holman asked if it was a conflict of interest for an elected official to be part of SWRPC. Ms. Favreau would draft a letter for the Selectmen to review and Ms. Carney stated that the letter was in reply to their letter.

Ms. Favreau asked about a Newsletter article regarding the meeting on September 21<sup>st</sup> with Rick Van de Poll and Ms. Silverman stated that if we couldn't do a flyer, we could do an insert and Paul Kotila would be willing to write a blurb about the meeting. The Selectmen and Ms. Favreau discussed the comments made after the presentation by Brett Thelen.

Mr. Holman asked about working on signage as the boat landing has created problems with enforcing and people being angry. Mr. Holman asked that a general article be written explaining the rules and regulations.

Ms. Carney stated that she received "thank you for fixing" comments on the repair of the boat ramp. Ms. Favreau shared that she received an email from a resident who tried to go to public beach and said that cars from Massachusetts and Connecticut were parked there and questioned if the beach was only for Fitzwilliam residents. Ms. Favreau stated that she would notify the Police Department. The Selectmen discussed the need to enforce the rules and regulations and that the Police Department needed to do it and also in the interest of safety asking people not to picnic or swim on the boat ramp. Ms. Carney stated that people need to be reminded that the town beach is for town residents and that people can't park at the boat ramp and walk to the beach.

Ms. Favreau reported that someone suggested that we have stickers for the town beach and the Selectmen agreed that it was a good idea and it could be added to the transfer station sticker. It was also suggested that renters could use a temporary transfer station sticker as well. Mr. Holman stated that this could be an education for people who have rental properties. Ms. Carney suggested that when the Newsletter does their update on important numbers, that we add information on the transfer station and town beach and where people can get the sticker. Mr. Holman asked if the hours for the Town Hall could be added on the back next time. The Selectmen held discussion on what was happening at the boat ramp.

Ms. Carney reviewed the budget sheet and stated that expenses are currently at 41%, which is on target at this time of year.

Ms. Favreau requested vacation time for Tuesday afternoon and Wednesday. The Selectmen granted her request.

Mr. Holman made a motion to adjourn the meeting at 9:50 p.m. Ms. Silverman seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Nancy Carney, Chairman

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Chris Holman

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Susan Silverman  
Board of Selectmen