



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**September 13, 2022**  
**11:00 A.M.**

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

**Guests:** in person - Dana Pinney, Robert Nolan, Jean Ford

Mr. Doerpholz called the meeting to order at 11:00 a.m.

**PRIMARY:**

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

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

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

**- September 1, 2022 – Public and Non-Public**

Mr. Doerpholz made a motion to approve the minutes of September 1, 2022, both public and non-public. Mr. Nolan 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 26, Lot 6**
- **Map 10, Lot 16**
- **Map 18, Lot 20**
- **Map 8, Lot 7-3**
- **Map 12, Lot 35**
- **Map 15, Lot 60-1**

**Map 26, Lot 6 –** There are 10 conditions from the Planning Board. The ZBA approved the dwelling, as there was minor modifications. Mr. Doerpholz wasn't sure of the status of the removal of the gazebo. Mr. Doerpholz asked if the Selectmen wanted to move on with approving the Construction Permit, and not having the Certificate of Occupancy approved until it has been confirmed that the gazebo has been removed. Mr. Nolan shared that he had a concern with the generator being under the building, and the electrical grounding. The Conservation Commission and the ZBA had concerns with the run off for the gazebo and it was to be removed. After discussion, the Selectmen agreed to defer approval of the Construction Permit until the gazebo has been removed. The Selectmen will follow-up at their next meeting.

**Map 10, Lot 16 –** Mr. Doerpholz made a motion to approve the Construction Permit for Map 10, Lot 16 with the condition to adhere to Zoning Ordinance 127-15 – Floodplain Overlay District. 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.

**Map 18, Lot 20 –** Mr. Doerpholz made a motion to approve the Construction Permit for Map 18, 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 was needed.  
Mrs. Ford shared that this was just the rough in.

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**Map 8, Lot 7-3** – Mr. Doerpholz made a motion to approve the Construction Permit for Map 8, Lot 7-3. Mr. Nolan 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 was needed.

**Map 15, Lot 60-1** – Mr. Doerpholz made a motion to approve the Construction Permit for Map 15, Lot 60-1. 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.

Mr. Pinney asked about the Demolition Permit covering disposal of debris, hazardous waste, etc.

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**SALE OF CEMETERY MOWER**  
- Chris Rocheleau bid \$100.00

Mr. Doerpholz shared that this was the zero turn mower that needed a lot of work and the offer was more than what would be given for scrap.

Mr. Nolan made a motion to approve Chris Rocheleau's bid of \$100. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

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**DISCUSS AND REVIEW TOWN POLICIES** – to be discussed before the non-public session

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**DISCUSS RECYCLING**

Mr. Nolan shared that all Town departments should be encouraged to do more recycling than we are currently doing. We should be in compliance with what we require of residents. Mr. Nolan mentioned removing the caps from bottles. It was asked if we need recycling receptacles. It was thought to leave that up to the departments.

It was suggested to add an article in the newsletter relating to recycling and the need to remove the caps from bottles and separating the recyclables at home due to limited parking at the Transfer Station.

The Selectmen asked that a memo be sent to all departments asking them to be more conscience of turning off lights, when not needed, and doing a better job of recycling. We need to set an example.

Mr. Craig mentioned having residents bring their hazardous waste materials to Keene and bringing their receipt to the Selectmen's office for reimbursement. Mr. Doerpholz agreed with Mr. Craig. Mr. Doerpholz asked to have this conversation at the meeting next week. Mr. Nolan shared that we could bring this up during the budget season for next year.

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**APPOINT CIP AND BUDGET MEMBER REPRESENTATIVE**

The Selectmen discussed being representatives on the committees. It was noted that the Selectmen's representative would be a voting member. After discussion, Mr. Doerpholz would sit on the Budget Committee and Mr. Nolan would sit on CIP. Mr. Doerpholz shared that Ron Heroux had mentioned that he wanted to become involved in the town. Mr. Doerpholz would determine if he was interested in serving as an at-large member on the CIP. Mr. Doerpholz would follow-up with the Selectmen after his meeting with Mr. Heroux.

Mr. Doerpholz shared that the Budget Committee would be meeting with the Selectmen on September 28<sup>th</sup>.

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**DISCUSS CAR SHOW**

Robert Nolan shared that Bowkerville Road is a town road. Mr. R. Nolan shared that the car show is sponsored by the Police Department and he encouraged the Selectmen to look at the rubber burnout marks and stated that it is illegal. There are a lot of people that walk the road, on a daily basis. He also mentioned the burnout marks on Route 12. Mr. R. Nolan noted that they (police officers) are still to maintain the rules of the law. Mr. R. Nolan shared that this is a problem for him personally, and shared his interaction when meeting with Chief Leonard DiSalvo. Mr. R. Nolan stated that there shouldn't be disorderly conduct on a town road, and the show should go to other areas. Mr. R. Nolan stated that most car shows have a sign that states No Burnouts. Mr. R. Nolan felt it was a dangerous purpose that they are allowing to go on and the Police Department needs to be brought to the town on this and maybe the State troopers need to be parked on Route 12 when the car show is over. Mr. R. Nolan asked what the Towns liability would be if someone got hurt.

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Mr. M. Nolan felt the Board needed to take a stand on this. A previous Board stated that they didn't want that to be enforced. They tied the Police Officer's hands. Mr. M. Nolan felt all laws needed to be enforced. He thought there were some issues at the car show that were highly contested. Mr. M. Nolan felt it needed to be addressed and wanted the Selectmen to clear this up. Mr. M. Nolan stated that the Selectmen may need to have the Chief DiSalvo in to address.

Mr. Doerpholz stated the Police Association runs the show and they were given permission by a previous Board to have this show. The road is shut down during the event and it is a closed event. Police Officers have the discretion in writing citations and don't have an obligation to write them, it's at their discretion. Mr. Doerpholz asked if Mr. R. Nolan wanted to file a complaint he was able to do so and a meeting would be held with Chief DiSalvo. Mr. Craig asked if that behavior wasn't discourage because it would reduce the numbers at the show. Mr. Doerpholz shared that it was at the end of the show and the majority of cars and people were gone before the burnouts happened. Mr. R. Nolan mentioned the law and asked how many people would need to be hurt until the Selectmen addressed it. Mr. Craig asked why we would allow it to happen at one of our town functions. Mr. Doerpholz stated that it was allowed by a previous Board. At other car shows in remote locations it happens all of the time. Mr. Craig stated that if it was another day and someone were burning out, the Police Department would be called. Mr. Craig asked about moving the event. Mr. Doerpholz stated that moving the event is under consideration, as they are outgrowing the space. Mr. Doerpholz noted that there were 250 cars at the event. It being a Fitzwilliam show is why they want to do it in Fitzwilliam. Mr. Doerpholz asked if Mr. Craig wanted to talk with Chief DiSalvo on September 28<sup>th</sup>? Mr. Doerpholz shared that he has received nothing but positive comments and they have raised a lot of money. Mr. Doerpholz shared that the complaints here are the only ones. Mr. M. Nolan shared that he mentioned it to Chief DiSalvo at the time but since his hands were tied, Mr. M. Nolan felt it needed to be curtailed. It is outside of the realm for the Selectmen to make the decision to allow. Mr. Doerpholz stated it was the Police Association and not the Police Department. Mr. Doerpholz explained the need for associations for fire and police departments. An association is like any other organization asking to rent town space. It needs to come to the Board of Selectmen. Mr. Doerpholz stated before making a decision to allow or reverse, we needed to discuss with Chief DiSalvo to find out how he wants to run the event. Mr. M. Nolan shared that it was an excellent show and did good in many ways and he supports. Mr. M. Nolan stated that there were a number of people at the show who wondered why they were allowed to do burnouts. He felt it needed to be addressed and to discuss with Chief DiSalvo on how to proceed.

*The Selectmen agreed to take a recess until 1:15 p.m.*

*The Selectmen reconvened their meeting at 1:31 p.m.*

### \*\*\* DISCUSS COMMUNITY POWER

The Selectmen discussed. Mr. Nolan didn't see a down side and felt it was a win all of the way around. Mr. Doerpholz didn't think it would go anywhere, as they don't have the capability now. People can opt out and stay where they are. Mr. Craig shared that they are brokers. After discussion, the Selectmen agreed to form an ad hoc committee to look into. Mr. Doerpholz would like to have an article in the newsletter. Mr. Craig shared that Susan Silverman would like to be on the committee.

Mr. Nolan made a motion to put an article in the newsletter asking for those interested in serving on an ad hoc committee to look into Community Power contact the Selectmen's office. Mr. Doerpholz seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

### \*\*\* DISCUSS BUILDING PROJECTS

Mr. Craig would like to send out a letter to contractors who have supplied bids on the Town Hall improvement projects, letting them to know that we are waiting to hear if we have been accepted for a matching grant. The Selectmen reviewed the letter and agreed for Mr. Craig to proceed.

Mr. Doerpholz shared that he has started installation of the lamps. He shared that Eversource will confirm that the number ordered have been installed.

### \*\*\* REVIEW JUNKYARD POLICIES

The Selectmen reviewed the policies that a couple of towns have created on junkyards. The Selectmen agreed to address junky yards on a case by case basis. Mr. Nolan would like the Selectmen to address junky yards as well as junk yards. He felt it was setting an image and he didn't feel it was one we should portray. Mr. Craig mentioned that the Planning Board didn't want to address this. Mr. Nolan felt that the major roads were visible. Mr. Craig asked if an ordinance should be created. Mr. Nolan thought that if it was something that would stick, he was okay with an ordinance. Mr. Doerpholz didn't know if we needed to keep junk yards and junky yards separate. Mr. Doerpholz stated that if a junk yard ordinance was created, it would need to be enforced.

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Mr. Doerpholz liked the Junk Yard Ordinance from North Hampton. He shared that it stated the RSA, and he thought it was verily complete and would like to change the name to Fitzwilliam. Ms. Favreau would create a draft for the Selectmen to review at their September 28<sup>th</sup> meeting.

Discussion was held on the town attracting new residents, and the impact of the junky yard. Mr. Pinney mentioned having to give your name when registering a complaint. He asked if there was some mechanism to allow for complaints to be brought to the Selectmen anonymously. Mr. Doerpholz would rather something be brought to the full Board and asked if there was something in the RSA that prevented an anonymous complaint being brought before the board and that it could be addressed without divulging their name. Mr. Doerpholz wondered if it could be done in non-public so the Board could discuss with the person issuing the complaint. Mr. Doerpholz would like Ms. Favreau to contact Attorney Joseph Hoppock about RSA 91-A-3 II(c) to see if an anonymous complaint could take place in non-public under this RSA.

The Selectmen agreed that there needed to be more discussion on this issue.

### **\*\*\* DISCUSS COMPLAINT REGARDING 46 RANTILLA LANE**

Mr. Doerpholz shared that what the Selectmen do is predicated on what the Planning Board and ZBA does. Mr. Doerpholz would like to hear from their other boards. Mr. Doerpholz explained the Construction Permit process and the need for an extension. Mr. Doerpholz shared that at first the driveway was in question and DPW Director, Glenn Smith reviewed the driveway. Now there is a question that the Construction Permit was issued in error and the validity of the conditional use permit and variance dated August 19, 2020 and September 9, 2022 respectively. The Selectmen agreed that they needed documentation from the Planning Board and the ZBA.

The Selectmen agreed to defer until additional information is received.

### **\*\*\* REVIEW LEGAL INVOICE**

Mr. Doerpholz reviewed the invoice from Attorney Joseph Hoppock in the amount of \$3,624.92 for a ZBA issue.

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

### **\*\*\* REVIEW APPROVAL OF AMBULANCE SERVICE AGREEMENT**

Mr. Doerpholz shared that the Attorney General's office has approved the Intermunicipal Ambulance Service. A letter dated September 1<sup>st</sup>, was received. Mr. Doerpholz would like something put in the October newsletter as suggested by Mr. Craig. The Selectmen would like the article to be sent to Fire Chief Adam Dubriske and Deputy Fire Chief Charley Kenison for their input. Mr. Nolan didn't want it to state that the ambulance service was operational now.

Discussion was held on ambulance service in a few area towns, and the impact this could have on the town. The Selectmen also discussed the County and DiLuzio's Ambulance Services.

The Selectmen would like to meet with Fire Chief Dubriske and Deputy Fire Chief Kenison to discuss the ambulance service and looking at the per diem salaries.

### **\*\*\* REVIEW E-MAIL REGARDING USE OF TOWN HALL**

The Selectmen read the e-mail from town resident Eileen Tully requesting to use the Town Hall for a small homeschool co-op for 13 children. Mr. Doerpholz asked if the Selectmen were in favor, Ms. Tully would be asked to fill out the rental of Town property and the cost and being responsible for set up would be mentioned. The schedule would be Tuesday and Thursday mornings from 10:00 a.m. to Noon. Mr. Nolan thought we needed to charge a fee but not necessarily the full fee.

The Selectmen would like them to fill out an application and the Selectmen would fill out the conditions and fees. They would need to contact the Selectmen's Office to determine if the Town Hall would be open on a snow day.

### **\*\*\* REVIEW LETTER FROM SOCIETY FOR PRESERVATION OF ROCKWOOD POND**

The Selectmen reviewed the letter from Mark Irvings, President of the Society for the Preservation of Rockwood Pond, notifying the Selectmen that they would be lowering the water up to 10 feet below the normal leveling beginning October 12, 2022. This would allow the abutting landowners to remove lake weed and to have access to clean the area near the grate and sluice gate of rocks.

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### \*\*\* DISCUSS AND REVIEW TOWN POLICIES

The Selectmen reviewed the Town Policies and amended as needed.

### \*\*\* NON-PUBLIC SESSION – RSA 91-A:3 II(a) - Personnel

At 5:05 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 5:14 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 5:14 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.

### INFORMATION

#### ■ LCHIP site visit 9/27/22

The Selectmen touched upon how the ARPA funds would be used. Discussion was held on there not being much feedback from committees as to their needs, up-fitting the Town Hall for the use of audio visual equipment for Zoom meetings, redesign the Tax Collector's space, having a professional designer come in to look at reconfiguring the spaces, and to investigate the broadband issue at the Town Hall. Mr. Pinney mentioned that it was his understand that the Town Hall was still operating under Wi-Valley. Mr. Craig shared what other projects were on the list. Fidium has now upgraded to be able to offer 2 GB internet service.

Mr. Pinney discussed the condition of the ball field and asked that thought be given to having it maintained on a regular basis. Mr. Pinney mentioned that he has talked with Mr. Smith about the condition of the sheds. Mr. Pinney noted that the sheds have electricity, which comes from the tennis court. The Selectmen would do a site walk with Mr. Pinney to look at the sheds.

Mr. Craig discussed the time line for the DPW to submit a grant. It was noted that the grant was submitted.

### 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 5:20 p.m. Mr. Craig seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Brian Doerpholz, Chairman

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John E.F. Craig

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Martin Nolan  
Board of Selectmen