



# BOARD OF SELECTMEN

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## BOARD MEETING MINUTES

October 1, 2020

9:00 A.M.

**Selectmen Present:** Daniel Baker, Robyn Bates, Charles Kenison

**Guests:** (via Zoom) Robert Ford, Jean Ford, Susanne Gray  
(in person) Dana Pinney, Anna Schierioth

Mr. Baker called the meeting to order at 9 a.m.

### PRIMARY:

#### **PUBLIC COMMENT**

Anna Schierioth met with the Selectmen to discuss the Meadowood Property. Mr. Baker shared that according to Attorney Joseph Hoppock, the restriction is for the westerly side of the property. The Selectmen asked Ms. Schierioth to look into. The concept of discussing the offer received and the obligation to review the deed is upon the purchaser. Ms. Schierioth shared that the Town needed to understand the restriction should the purchaser come to the Town for a Construction Permit.

Ms. Bates asked if there was a time frame to respond to the offer. Ms. Schierioth shared that neither offer has put in a deadline. Ms. Schierioth would like to say to the two offers that we would like their highest and best. This would give the Selectmen time to address the deed restriction. There are two offers, one wants to live in the building and have a business and the other just wants to purchase and not build.

Ms. Schierioth had sent to Ms. Favreau an updated market review. There has been up to 20 showings. Ms. Bates had heard that there is another person interested as well, especially if it could be noted that it could be residential. Mr. Baker asked if Ms. Schierioth advice that \$145,000 was to be more consistent with the market, and that the Selectmen needed the best offer made on the parcel to consider against market. Ms. Schierioth stated that as the seller they can do pretty much what they want. Ms. Schierioth stated that to be competitive on multiple bids, to ask for the highest and best. The Selectmen agreed. Mr. Baker asked that next Friday be the deadline for the highest and best offers. Ms. Schierioth shared what her process would be.

Ms. Bates stated that the Quitclaim has been signed and a closing date would be scheduled for the Route 12 property. Ms. Bates asked that we respond to Attorney Hoppock to clearly clarify that the parcel being sold (Meadowood) is clear of any deed restriction.

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

Ms. Bates made a motion to approve the manifests. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

#### \*\*\* **APPROVE MINUTES** - **September 23, 2020**

Ms. Bates made a motion to approve the minutes. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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

#### \*\*\* **REVIEW CONSTRUCTION PERMIT APPLICATION** - **Map 14, Lot 16-2** - **Map 37, Lot 11**

**Map 14, Lot 16-2** – Ms. Bates made a motion to approve the Construction Permit for Map 14, Lot 16-2 with the condition the a vehicular repair shop can't be opened, can only work on personal vehicles and must abide by road closure guidelines for heavy vehicles. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit was needed.

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**Map 37, Lot 11** – Mr. Kenison made a motion to approve the Construction Permit for Map 37, Lot 11. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit wasn't needed.

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**REVIEW SIGN PERMIT APPLICATION**  
- **Map 34, Lot 10**

**Map 34, Lot 10** – Mr. Kenison made a motion to approve the Sign Permit for Map 34, Lot 10. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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**REVIEW APPLICATION FOR RENTAL OF TOWN PROPERTY**  
- **Fitzwilliam Police Association**

Mr. Baker reviewed the Application for Rental of Town Property request from the Fitzwilliam Police Association for the car to be located on the Town Common until November 7, 2020 – intermittently.

Ms. Bates made a motion to approve the Application for Rental of Town Property request from the Fitzwilliam Police Association for the Town Common with the condition that it be moved around from the common, Fitzwilliam Inn and the Town Hall. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

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**DISCUSS PURPLE HEART PROCLAMATION** – Table until additional information is received.

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**HEALTH OFFICER NOMINATION FORM – RENEWAL**  
- **Carol Ann Rocheleau**

Mr. Baker felt that Carol Ann Rocheleau does a great job and is grateful that she is on the team.

Ms. Bates made a motion to approve Carol Ann Rocheleau's renewal as Health Officer. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

**9:15 MEET WITH SUZANNE GRAY**  
- **Town Website – Land Use Docs**

Suzanne Gray shared that information on the website regarding the Boards/Commissions under Land Use hasn't been updated on the individual web pages with the current members and there are updated procedures, applications, and minutes that need to be posted. Ms. Gray shared that we are getting behind and she realized that this isn't high on the priority list. Ms. Gray shared that when Lori Nolan, Land Use Coordinator is talking with someone, the current rules and procedures should be on the web page because they would be looking at outdated information.

Mr. Baker stated it was their (Selectmen) intent to keep the website updated and he understands her concern. Mr. Baker recommended getting it current and having the Land Use Coordinator granted access to post on the website. Ms. Bates mentioned that on the Herrick case he is looking at outdated information on the website and stating it as our procedures. Mr. Baker felt that it was critical to have two people have access to posting on the website. The Selectmen were in agreement. Ms. Gray shared that Ms. Nolan has experience with website posting.

**9:30 MEET WITH MARION WHEELER, TAX COLLECTOR**  
- **Properties eligible for tax deeding**

Marion Wheeler stated at 95% of taxes has been collected. She felt it was similar to other years. It was thought that the stimulus helped.

Ms. Wheeler shared that Map 3, Lot 29-2 – Shana & Darryl Thompson, approximately \$109.60 was owed. The Title Company paid that taxes at closing, but the balance of approximately \$32 was due. The next bill came out and the escrow paid what the second billing was but didn't pay the balance. Ms. Wheeler shared that the Selectmen had discussed at an earlier meeting and denied Ms. Thompson's request. Ms. Wheeler shared that Ms. Thompson received the notice that a lien would be placed on her property and she could have paid. Ms. Wheeler shared what the Town's cost were in placing a lien on a property. Mr. Baker suggested having Ms. Thompson pay for the Town's cost and provided she reimburses us for our actual cost, we will waive her fee. Ms. Wheeler felt that she received all of the Town's letters, as none of the letters were returned to the Town. If the letters were returned, Ms. Wheeler would have researched and sent a first class letter to Ms. Thompson. Ms. Wheeler felt that what Mr. Baker was proposing was a meet in the middle and was good. Mr. Baker shared that the Town has costs in this matter and the Town followed procedures. Ms. Bates was torn because she felt listening to the whole argument that maybe paperwork got lost, but Ms. Bates asked if we didn't want to have her be a happy resident. Ms. Bates felt it was costing more to go after the costs than what's actually owed. Mr. Kenison shared that given the whole Covid thing,

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we should lean in favor of having her paying the \$32 and write off the rest. Mr. Baker would go with the majority of the Board and he wanted to support our workers going with procedures.

Mr. Kenison would like to give authority to the Tax Collector on a minimum amount to lien. Ms. Wheeler shared what she could have done differently. After discussion it was agreed to set \$500 as the minimum to lien. Ms. Wheeler would send a letter rather than to lien to make the property owner aware.

Mr. Kenison made a motion to set minimum of back taxes to \$500 before applying a lien. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

Mr. Baker made a motion to waive interest/penalties and bill for \$32.50 for Shana Thompson. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

Marion Wheeler, Tax Collector reviewed the list of property owners that were sent a letter asking for a payment agreement:

Map 6, Lot 22 - Charles Carroll, approximately \$19,237 was owed. Deeding was for tax year 2017. Mr. Carroll didn't respond to the letter. Mr. Baker explained what the Selectmen's practice has been in the past about deeding a property that is occupied. The Selectmen waived tax deeding.

Map 29, Lot 2 - Michael Connors, approximately \$17,824 was owed. Mr. Connors made a payment agreement. He had would pay \$400 every month and has paid \$400. The Selectmen approved the payment agreement and waived tax deeding.

Map 4, Lot 40 - Thelma Dickinson Estate, approximately \$12,000 was owed. The Selectmen waived tax deeding.

Map 32, Lot 46 - Christopher Farris, approximately \$106 was owed. The Selectmen waived tax deeding.

Map 29, Lot 20 - Matthew Grier, approximately \$41,000 was owed. The property is occupied. The Selectmen waived tax deeding.

Map 10, Lot 37 - Richard & Romona Lord, approximately \$9,000 was owed. Ms. Lord paid \$1,000 last week and did a payment agreement. The Selectmen approved the payment agreement and waived tax deeding.

Map 17, Lot 17 - Kristina Panek & Michael Stohr, approximately \$50,000 was owed. They have been paying pretty regularly and did a payment agreement for \$500 per month. The Selectmen approved the payment agreement and waived tax deeding.

Map 12, Lot 11 - Craig & Lori Robidoux, approximately \$47,000 was owed. Ms. Robidoux pays pretty regularly and did a payment agreement. The Selectmen approved the payment agreement and waived tax deeding.

Map 36, Lot 8 - Christopher Silvia, approximately \$11,000 was owed. Mr. Silvia has paid the balance of the 2017 taxes. Mr. Silvia pays \$400 every month.

Map 15, Lot 4 - Noel Vianey, approximately \$21,000 was owed. Mr. Vianey makes payments and has a payment agreement. The Selectmen approved the payment agreement and waived tax deeding.

Map 42, Lot 1-76 - Estelle Bumbarger, approximately \$11,000 was owed. Ms. Bumbarger has paid the balance owed to avoid tax deeding.

Map 42, Lot 1-4 - Estelle Bumbarger, approximately \$6,000 was owed. Ms. Bumbarger has paid the balance owed to avoid tax deeding.

Map 21, Lot 9 - Joseph & Margaret Veale, approximately \$21,000 was owed. Ms. Veale paid \$1,700. Ms. Wheeler will look to see whether she is current to avoid tax deeding.

Map 17, Lot 7 - Christopher Bateman, approximately \$17,000 was owed. Ms. Wheeler stated that he is deceased and the letters come back unclaimed. The Selectmen would like verification of occupancy to be done.

Map 12, Lot 50-1 - Earl & Michael Hammond, approximately \$18,000 was owed. Ms. Wheeler stated that the trailer was to be auctioned in April 2020.

Map 27, Lot 15 - Joseph & Joyce Breunig, approximately \$21,000 was owed. The house is vacant. Ms. Breunig was to make an on-line payment of \$6,500 and she has made a payment arrangement. The Selectmen agreed to defer until receipt of \$6,500 and would then accept the payment agreement.

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Map 15, Lot 30 - DAL Advisors LLC, approximately \$22,000 was owed. Ms. Wheeler stated that mail comes back as undeliverable. Mr. Kenison stated the property was vacant. The Selectmen agreed to do a tax deed.

Ms. Bates discussed revisiting the Selectmen's practice of not deeding occupied property and the possibility of looking at providing public housing.

Ms. Wheeler shared that in other Towns, once deeding a property, some owners come up with the money.

Mr. Baker felt those were some good solutions to review. Mr. Kenison shared that some properties that have been taken haven't been worth enough to cover the taxes owed. Mr. Baker didn't know whether we were at a point of over burdening the Town with the taxes owed by a few property owners.

Dana Pinney asked about whether the house was occupied by a renter or the home owner. Mr. Baker didn't know that it mattered and it would be up to the Town to provide housing. The notice as Ms. Wheeler shared, does move some owners to pay their taxes.

Mr. Bates shared that it might be helpful to see how other Towns handle and the different options. The Selectmen asked that Ms. Favreau look into. Mr. Baker wanted to know what opportunities there would be for the Selectmen to consider before this process begins next year.

The Selectmen thanked Ms. Wheeler for her work.

### \*\*\* REVIEW JUNKYARD RENEWAL APPLICATION - Car Guyz Auto Recyclers, LLC

Mr. Baker reviewed the Junkyard Renewal Application from Car Guyz Auto Recyclers, LLC.

Mr. Kenison made a motion to approve the Junkyard Renewal Application. Ms. Bates seconded.  
Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

### \*\*\* REVIEW COMPLAINT - 446 East Lake Road

Mr. Baker reviewed the complaint on 446 East Lake Road. Mr. Baker shared that the issue is the stone patio that was installed. The Code Enforcement Officer signed off of the plantings. The patio wasn't considered a violation by the Town. The State DES stated it was a violation. The Selectmen would like a letter drafted to Mr. Drake outlining what had transpired.

The Selectmen would like follow-up on policies for patios needing a Construction Permit Application, especially if within wetlands.

Discussion was held on being more vigilant on work throughout the Town that doesn't have a Construction Permit Application.

John Holman shared that the things done (septic system) is approved by the State. Mr. Holman noted the driveway was extended to the boundary and this has changed the flow of water onto the neighbor's property. The Selectmen feel that it is a civil matter. Discussion was held on approval by the State and whether at the completion of the project that an inspection is done. It was noted that the State does inspect septic system installations.

### \*\*\* ZBA APPOINTMENT RECOMMENDATION - Gretchen Wittenborg

Mr. Baker shared with Dan Sutton that he had talked with Pat Deho and he is sound in his decision, not to pursue a seat on the ZBA. Dan Sutton shared that Gretchen Wittenborg is willing to be appointed to the ZBA

Ms. Bates made a motion to appoint Gretchen Wittenborg to the ZBA full-time. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

Mr. Sutton shared the ZBA was still working on other members. Mr. Sutton noted that the case load was way up. The members like doing site walks but they are time consuming.

### \*\*\* DISCUSS ZBA'S REQUEST TO RETAIN ATTORNEY CHRISTINE FILLMORE - Map 2, Lots 19 & 20 - Herrick

Mr. Sutton shared that when the ZBA had heard the case, they decided that they needed counsel input. It is a complex case and therefore the ZBA and the Town would benefit from having legal counsel. The Selectmen reviewed Mr. Sutton's memo

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including questions that the ZBA wanted to ask Attorney Fillmore. Mr. Sutton thought that this case, if denied, would go to Court. Ms. Bates felt the summary brings counsel fully up to speed and was an added value to the Town. Mr. Sutton reviewed the State RSA that prohibits any issuance of a construction permit off of a Class 6 road and Mr. Sutton shared that it was basically the same as the Town's Class 6 building policy. The State didn't want any town issuing a building permit unless within 500 feet of a Class 6 road. Mr. Sutton stated the key question is if a driveway is same as a building. Mr. Baker asked if clarity would be provided on issuing a driveway permit off of a Class 6 Road. Mr. Sutton shared that Mr. Brown was denied a driveway permit because of being more than 500 feet from the Class 6 Road (Kemp Brook Road). Mr. Sutton would go over notes with Ms. Nolan to make sure everything is clear in the record.

Mr. Baker felt the Attorney could provide advice without coming to any meetings. Mr. Sutton agreed.

Mr. Baker made a motion authorize the ZBA to contract with Attorney Christine Fillmore to review questions and provide a response. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes. Approved – 3-0

### \*\*\* REVIEW ADDITIONAL INFORMATION FOR THE POLICE DEPARTMENT SALARY COMPARISON

The Selectmen reviewed the additional information received from Chief Leonard DiSalvo. In reviewing the Police Officer and Sergeant positions, Ms. Bates felt that we were doing well. Rindge, Swanzey and Dublin are at the average for these positions. The patrolman is in the window for the maximum, as well as the sergeant.

The Selectmen would like to know where our officers and chief sit within the wage scale and to verify our wage scale.

### INFORMATION

Mr. Baker shared that the roof on the Library porch needs to be replaced. Mr. Baker shared what deconstruction has revealed. The Highway guys have done a great job assisting in this project. Mr. Baker stated the porch roof needed to be replaced. The Library Trustees needed to be informed of the findings and to approve of the new roof. Ms. Bates suggested getting a price for the roof before speaking with the Library Trustees. Mr. Kenison shared that he has spoken with Wade Leventry who recommends going with poly. Mr. Leventry recommended Johnson Roofing. Mr. Baker asked that Dick Goettle be contacted to touch base with Mr. Baker. The Selectmen asked that Ms. Nolan contact John Fitzwilliam about getting approval for the roof – poly and to contact Mr. Goettle to get pricing. Mr. Kenison mentioned asking Jay Southgate about using copper.

### NON-PUBLIC SESSION - RSA 91-A:3 II(b) – Hiring

At 12:00 p.m. Mr. Kenison made a motion to go into non-public session under RSA 91-A:3 II(b). Ms. Bates seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

At 12:42 p.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Kenison seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Kenison - Yes.

### ON-GOING BUSINESS:

\*\*\* STEEPLE PROJECT

\*\*\* AMBULANCE SERVICE

\*\*\* SOLAR

\*\*\* TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT

- Unregistered vehicles
- Debris and junk in yards

**Meeting Schedule:** The next meeting will be held on Wednesday, October 7<sup>th</sup> at 7:00 p.m.

Ms. Bates made a motion to adjourn the meeting at 12:55 p.m. Mr. Kenison seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Daniel Baker, Chairman

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Robyn Bates

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Charles Kenison  
Board of Selectmen