



BOARD OF SELECTMEN
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BOARD MEETING AGENDA
November 2, 2015

Selectmen Present: Nancy Carney, Chris Holman, Susan Silverman

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

PRIMARY:

***** APPROVE MINUTES**
- October 26, 2015

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

***** 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

7:15 MEET WITH ATTORNEY MARK BELIVEAU
Re: 179 Rt 12 N

Attorney Mark Beliveau, of Pierce Atwood, LLP, who represents a potential buyer for the Concord Industries building met with the Board of Selectmen to discuss the building. Attorney Beliveau reviewed the environmental information on the property and also gave the reports to the Selectmen.

Mr. Holman asked why they monitor only once a year. Ms. Silverman asked about the ground water and was it drifting away from the property. Attorney Beliveau presented a plan that contained the monitoring information on 2 well locations and what chemical was found. Discussion continued on testing results and time of year testing was done. Ms. Silverman stated that she doesn't understand how that is adequate and Mr. Holman stated that they should be testing more than once a year. Attorney Beliveau explained that the permit is for 5 years and expires in 2018 and that DES looks for a continued reduction in contamination. If they see a decrease in the samples they will reduce the testing frequency. Attorney Beliveau shared that the Town should be receiving copies of the reports and that they are also available on the DES website.

Attorney Beliveau shared that the property is in receivership and the Court granted CP Management to manage the property and they inspect the property once a month. The property has been listed for over a year and they received some low offers. The property is listed for \$498,000 and they recently received an offer of \$350,000. Attorney Beliveau stated that it is by far the best offer received to date and a Purchase and Sale Agreement has not been signed as Attorney Beliveau wanted to talk with the Selectmen about the unpaid property taxes. Attorney Beliveau shared that \$607,000 was owed in back taxes (as of today \$614,718 was owed). As of October 3rd the Lender was owed \$2.3 million. Attorney Beliveau's client has asked him to update the Board of Selectmen to let them know that the Lender proposed splitting the proceeds with the Town. On the sales price of \$350,000, broker commission (6%) \$21,000, NH stamps \$2,638 equals a net of \$326,375 with \$163,187 to go to Town towards back taxes.

Ms. Carney stated that a total of \$614,718 in back taxes was due and of that, \$374,550 was principal. Attorney Beliveau shared that it is a local company and they would occupy the building. This is a company that would be adept at renovating the building and creating space for a tenant or 2. The potential buyer has inspected the building but would like to have the taxes resolved. Discussion continued on the type of industry, opportunity for employment, and size of the footprint they are

proposing to use. Mr. Holman stated that he is hesitant not knowing the type of business and Ms. Silverman stated that they are being asked to forgive a lot of money and the money not received in taxes – everyone in Town picked up that bill.

Attorney Beliveau didn't know why his client wanted to remain anonymous, it still needed to go through the Court system because it's a receivership. The potential buyer is familiar with the site plan review process. Ms. Carney stated that it is an opportunity to put back on the tax roll. Attorney Beliveau shared that the potential buyer had submitted a detailed Purchase and Sale Agreement with a lot of contingencies and the seller has as many contingencies. Both parties agreed that the important party was the Town. Discussion continued on what additional information was needed as the Board of Selectmen was not ready to make a decision tonight. Ms. Silverman stated that what Attorney Beliveau was proposing was less than half of what was owed. The total depreciation was 75% at the last assessment. Ms. Silverman stated that if back on the tax rolls it needed to come up a significant amount. Attorney Beliveau stated that his client would go before the Planning Board for permits and stated that he knew it would be helpful for the Board of Selectmen to know who the buyer was, a description of the business, what they plan on doing with the building, footprint and tenants.

Ms. Silverman asked at what point did his client need to know what the Board of Selectmen would forgive in taxes. Attorney Beliveau stated that his client wanted a 50/50 split on proceeds and that his client would never put in any money on this sale. If the Town wanted all of the taxes owed or \$375,000 his client won't do it. The Selectmen agreed that they want to get this property back on the tax roll to boost the Town and Village. Attorney Beliveau stated to be transparent - totally done at \$350,000, he had to tell who they report to that if they don't seriously consider this offer and the potential buyer went away – he don't know what could be done. Attorney Beliveau asked what would be helpful in communicating information and the Selectmen asked that he go through Ms. Favreau. Attorney Beliveau also asked if all parties reached an agreement what the next step was. Ms. Carney stated that the Board of Selectmen would vote but they would need something in writing (fully documented to protect the Town) and it did not need to be voted on by the Town. Ms. Silverman shared that the Board of Selectmen meet every Monday night and once they receive the information they can make a decision.

The Selectmen thanked Attorney Beliveau for meeting with them.

7:45 MEET WITH CHIEF DISALVO

Chief Leonard DiSalvo met with the Board of Selectmen to discuss the repair of the 2009 cruiser. Chief DiSalvo shared that the cruiser needed a new engine, has 170,000 miles and the estimate to repair was \$4,000-\$5,000. Chief DiSalvo asked if the Board of Selectmen would support a new cruiser and Ms. Silverman asked if he was still paying on a cruiser. Chief DiSalvo replied "no". Mr. Holman felt that another cruiser should be purchased. Chief DiSalvo reported that Roundtree Ford said it was easier to rebuild the engine and would be under warranty. Chief DiSalvo shared that the cruiser was in rough shape and he thought that if limping along – fix the safety issues – an estimate to fix would be \$400. It isn't the proper fix and the cruiser could fail but it doesn't make sense to put a lot of money into it. Ms. Carney agreed that the car was too old. Ms. Silverman asked if 3 cruisers were needed. Chief DiSalvo shared that Police Officer Stone had to use his private vehicle to answer a call as the 2 cruisers were out on calls. Chief DiSalvo reported that Police Officers attending academy take a cruiser and discussion continued on mileage costs for using personal vehicles and whether they could carpool.

Chief DiSalvo stated that the quick fix is a temporary fix to get 6 months out of the cruiser and it doesn't make sense to put any more money into it. Ms. Silverman stated that we couldn't get a new cruiser until voted on at Town meeting. Ms. Carney stated that if the cruiser goes down before that, then the Police Department would be down a cruiser. Ms. Silverman asked what Chief DiSalvo recommended. Chief DiSalvo recommended that minor work be done and thought it best to get repairs done by someone local. Ms. Silverman asked that Chief DiSalvo obtain other estimates. Chief DiSalvo would get estimates for the quick fix and bring to the Board of Selectmen for approval. Ms. Silverman asked if that cruiser could be used locally and Chief DiSalvo stated that they would run it until it died. Ms. Favreau would give Chief DiSalvo the Purchase Requisition form to use for his 2 quotes. Chief DiSalvo shared that the 2011 cruiser had 90,000 miles on it and that he would bring his recommendation back to the Board of Selectmen for a decision.

***** DISCUSS SETTING TAX RATE**

Ms. Favreau reported that the new preliminary tax rate was \$26.91 – with nothing in overlay or surplus. The County portion was up 44 cents, Town portion was up 86 cents and the School portion was down \$1.73 over last year. Ms. Favreau recommended putting \$50,000 into overlay and \$100,000 into the surplus fund. Ms. Favreau shared the different scenarios that she worked up to reduce the tax rate. Ms. Favreau reported that there was \$439,000 in uncollected taxes last year and that this year the Water District had a 13 cent tax.

Ms. Silverman made a motion to put \$50,000 in overlay and \$100,000 in surplus. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

*** **DISCUSS LETTER FROM CHESHIRE COUNTY TREASURER**
Re: Fitzwilliam County Tax Due

Ms. Favreau shared that Fitzwilliam's County Tax had increased \$112,320 over last year's tax for a total due of \$928,917.

*** **DISCUSS PIPELINE**

- **Memo from Henry Underwood**
- **Spreadsheet from Tad Putney – Legal Fees**
- **Letter to NH Delegation**
- **Invoice from Attorney Cunningham**

Memo from Henry Underwood – Ms. Carney reviewed the memo from Henry Underwood.

Spreadsheet from Tad Putney – Legal Fees – The Board of Selectmen reviewed and held discussion on legal experts, intervenor status and legal fees.

Letter to NH Delegation – The Selectmen reviewed the email from Tad Putney regarding Brookline's letter to the NH Delegation. They requested that Senators Shaheen and Ayotte and Representative Kuster and Guinta assist them, by either publicly opposing the NED pipeline prior to Kinder Morgan's filing with FERC or to personally attend a joint meeting with the Governing Boards of some of the 21 impacted NH communities to explain why they are unable to oppose NED. Ms. Favreau reported that Mr. Holman thought it was a good idea and Ms. Favreau drafted a letter and the Selectmen signed.

Invoice from Attorney Cunningham – Ms. Favreau shared that Attorney Cunningham's bill represented 40 hours of work at \$250 per hour.

Discussion continued on the pipeline, lack of response to our letter drafted by Attorney Cunningham, aquifers, whether we have enough money in our legal budget, retainer for legal fees, and intervenor status.

*** **BUDGET**

- **DISCUSS HIGHWAY AND TRANSFER STATION BUDGETS**

Ms. Carney shared that Gene Cuomo would be meeting with the Budget Committee on Thursday to review the Highway and Transfer Station budgets. The Selectmen reviewed the Highway budget. Mr. Holman asked about Line 693 – Snow Plow and Ms. Favreau shared that it was for snow plow repairs. Ms. Favreau reported that there was a new request on Line 190 – Other Compensation – in the amount of \$1,200. Mr. Cuomo was requesting to pay his crew a \$25 per week stipend for being on-call during the winter. The Selectmen asked for the time period and discussion continued on what the State does for their highway crew during the winter months. The Selectmen want to discuss this with Mr. Cuomo next week. Mr. Holman stated that he doesn't want to pay for work that wasn't being done. Ms. Carney shared that we pay Police Officers for being on-call.

Ms. Carney asked if there were other questions and stated that Line 380 – Hired Equipment – increased by \$3,000. Ms. Carney asked for any other questions that she could bring forward at the Budget Committee meeting on Thursday.

The Selectmen reviewed the Transfer Station budget. Ms. Favreau shared that it was reduced by \$8,950 and that Mr. Cuomo was budgeting \$9,000 less for Line 318 – Labor Contracted Services. Ms. Favreau reported that \$56,000 had been expended through October. Mr. Holman asked if there would be any year end expenses and Ms. Favreau replied "no". Mr. Holman also asked about hazardous waste days and wanted to know the difference in cost. Ms. Favreau reported that it was \$1,100.

Ms. Carney asked if there were other questions.

*** **REVIEW LETTER FROM R. W. & LILLIAN CAMPBELL**
Re: Land Donation (Map16, Lot 14)

Ms. Carney reviewed the letter from Mr. & Mrs. Campbell regarding their 2.5 acres that they would like to donate to the Town. Ms. Favreau shared that it was only land and it was not buildable land. Mr. Holman shared that he would be interested in getting more information. Ms. Carney asked that a thank you for the offer letter be sent to Mr. & Mrs. Campbell, stating that it needed to go for a vote at the Town meeting. Mr. Holman stated that he is concerned about the Town getting more land that we don't properly manage and that it is not good stewardship. Mr. Holman suggested that the Conservation Commission be consulted.

***** REVIEW AVITAR CONTRACT**

Ms. Favreau shared that she asked to have the contract from Avitar before next week's meeting with Mark Stetson. Ms. Carney asked that the Selectmen review the contract. Mr. Holman asked about office hours and Ms. Favreau shared that it was included in the new contract.

***** NON-PUBLIC SESSION - DISCUSS EMPLOYEE EVALUATION - RSA 91-A:3 II(a)
- Road Agent**

Mr. Carney asked that Mr. Cuomo be scheduled to come in next week for his evaluation and asked the Selectmen to review.

***** NON-PUBLIC SESSION – PENDING LITIGATION – RSA 91-A:3 II(e)**

At 8:45 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Holman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 8:46 p.m. Mr. Holman 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.

OTHER BUSINESS:

CEMETERY EXPENDITURE REQUEST – Ms. Carney reviewed the quote from Wally's Tree Service for the removal of a pine tree and broken limbs from a large pine in the amount of \$600, which was the same as the quote from John Holman.

Ms. Silverman made a motion to approve Wally's Tree Service perform the work of removing a pine tree and broken limbs from a large pine tree. Mr. Holman asked why – it was the same rate and the first quote was from someone that the Town has dealt with before.

Ms. Silverman and Ms. Favreau stated that Mr. Holman had a conflict of interest and should recuse himself from the discussion. Mr. Holman stated that we needed to look into this legally and replied that he doesn't work for his father's company and that this was wrong. Mr. Holman stated that his father's quote was over the phone, at which time, Mr. Holman left the room and asked that the Selectmen let him know when he could come back into the room.

Ms. Carney stated that this decision be put on hold and asked Ms. Favreau to ask the Cemetery Commission for their recommendation and rationale. Ms. Favreau would contact NHMA to find out about the conflict of interest of a Selectmen and the proper procedure.

The Selectmen asked Ms. Favreau to get the Purchase Requisition form out to the Department Heads.

LETTER FROM RECREATION COMMISSION TO MATTHEW BUONOMANO – The Selectmen reviewed the letter to Matthew Buonomano from the Recreation Commission to update the Recreational Land Use Permission slip as the new owner of Map 15, Lot 3 and Map 15, Lot 5. This would grant permission to the Town of Fitzwilliam and its Recreation Commission to maintain and use hiking/cross country ski trails and snow shoe trails on his property.

Ms. Favreau shared that we had an original permission slip with the previous property owner and Cindi Beede gave her a copy of the letter and permission slip. Ms. Favreau stated that the permission slip contained some conflicting information and asked the Selectmen to review. Ms. Carney asked Ms. Favreau to get additional information from Ms. Beede and the Selectmen authorized Ms. Favreau to contact Attorney Joseph Hoppock. Ms. Favreau stated that Mr. Buonomano had seen the old permission slip. Mr. Holman asked about having an easement instead of an agreement and wanted to get legal advice on the matter. Ms. Favreau suggested that Mr. Buonomano come in to discuss this with the Selectmen and Ms. Carney asked that Ms. Beede be invited as well. Ms. Carney stated that the Selectmen needed their thoughts on this matter and Mr. Holman stated the need to find out if there are other property owners and get their thoughts as well. Mr. Holman asked if Sandra Gillis could do an overlay of the ski trail map and property map.

LETTER FROM JIM TALBERT – RT 119

MEMO FROM CHRIS HOLMAN – GOVERNMENT GRANTS

LETTER FROM DES – BAILEY JUNKYARD COMPLIANCE

Chief DiSalvo requested vacation time on November 9-20, 2015 and December 7-18, 2015. Mr. Holman wanted to meet with Chief DiSalvo to see how things went during his first 2 weeks before taking the next 2 weeks off. The Selectmen asked that a meeting be scheduled with Chief DiSalvo on November 30th.

Mr. Holman made a motion to approve Chief DiSalvo's vacation request for November 9-20, 2015 and December 7-18, 2015. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

The Selectmen asked Ms. Favreau to contact Rick Van de Poll for an update.

Ms. Silverman made a motion to adjourn the meeting at 9:05 p.m. Mr. Holman seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Nancy Carney, Chairman

Chris Holman

Susan Silverman
Board of Selectmen