



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
November 13, 2018
9:00 a.m.

Selectmen Present: Nancy Carney, Daniel Baker, Charles Kenison

Ms. Carney called the meeting to order at 9 a.m.

PRIMARY:

***** APPROVE MINUTES**
- November 6, 2018

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

***** APPROVE MANIFESTS**

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

***** REVIEW SIGNATURE FOLDER – The Selectmen reviewed and signed.**

***** CONSTRUCTION PERMIT**
- Map 10, Lot 55

Map 10, Lot 55 – Mr. Kenison made a motion to approve the Construction Permit for Map 10, Lot 55. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

9:15 MEET WITH SUZANNE GRAY
- Solar Project

Ms. Carney reported that Chinook Solar met with the Planning Board in September. Ms. Favreau reported that they sent Laurie Haywood, Land Use Assistant an e-mail asking to meet with the Planning Board and the Selectmen. The Selectmen would discuss with Suzanne Gray.

Ms. Favreau shared that the Planning Board members appointed Terry Silverman to discuss the solar project with an attorney. Ms. Favreau stated there was an RSA, which defined the whole process and doesn't think that the Town should be expending funds on an attorney to redefine. Ms. Favreau shared with Ms. Haywood that any contact with an attorney needed to be approved by the Selectmen.

Mr. Kenison felt that it was clearly spelled out in the ordinance and they don't meet the 30 MW. Ms. Favreau shared the discussion at the meeting that she and Ms. Haywood had with Chinook. Mr. Baker shared that no one could comply with the acreage that was in the ordinance. Mr. Baker thought that would be in violation of the ordinance and may require counsel. Mr. Kenison mentioned that when they applied, the Planning Board was beginning to draft the ordinance. Ms. Favreau shared that we have never had a formal application, just informal discussion. Ms. Carney agreed with Mr. Kenison. Mr. Baker stated it does allow public comment and gives the Town some powers, maybe not regulations.

Suzanne Gray and Terry Silverman met with the Selectmen to discuss the solar project. Ms. Gray was asked to come in to discuss the Planning Board's meeting with Chinook Solar. Ms. Gray reported they came in without an appointment, so they didn't go into any detail. The Chinook representatives wanted to meet with both the Planning Board and the Selectmen. The Planning Board wanted to have legal counsel going into the project, as they were looking for the best outcome. Ms. Gray asked Mr. Silverman to come in with her because it goes back to the substation project and the Town could have used legal

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advice for a better outcome. Ms. Gray wondered what kind of funds the Town would receive. Ms. Favreau stated that if a pilot program was done, the Town would still owe taxes to the schools. Ms. Gray stated they have changed the land acreage; she discussed what would be disturbed with this project and asked if there was a way to have a fund set up by NextEra for the Town's benefit. Ms. Gray mentioned that NextEra was the largest energy company in the US and we needed someone looking out for the Town's interest. The attorney could make sure they are still maintaining the Town's wishes. Mr. Baker asked what the Planning Board wanted from an attorney. Mr. Silverman explained it was a two prong process. Discussion was held on whether or not the Town's ordinances and Master Plan would be considered by the SEC. Also discussed was the process.

Ms. Gray shared that the Planning Board was trying to avoid unintended consequences by having legal counsel. Mr. Kenison asked if they had a number for their budget. Ms. Gray shared they have asked for \$3,000 for legal in 2019. Ms. Carney shared that the Executive budget was the only budget that contained a legal line item and the Selectmen would need to discuss. Mr. Baker asked without an application what would be discussed with legal counsel. Mr. Silverman stated it would be to process the paperwork for intervener status, which wouldn't happen right away and whether the Town should even meet with NextEra before submission of an application.

Mr. Baker stated this group has been in here for a year and nothing has happened and asked what other Towns have gone through this. It was noted the Selectmen received information on their project from Hinsdale. Mr. Baker asked if the ZBA would be involved. Mr. Silverman replied they wouldn't be involved.

Ms. Favreau asked if we should wait until an application was filed before expending legal funds. Mr. Silverman stated if he contacted Attorney Arthur Cunningham over the phone, that the Town wasn't charged. Mr. Silverman shared they were here to get permission to contact legal counsel. Mr. Baker asked if the Planning Board could put together the questions so the Selectmen could look at the scope and to also include what they needed to know initially. Mr. Baker stated he understood the need for guidance. Mr. Silverman mentioned that the Planning Board would want to hire Rick Van de Poll to review for any wetland impact. Mr. Baker asked if NH Municipal could provide assistance. Ms. Gray shared that they mentioned to Ms. Haywood that they hoped the Town was getting land use legal expertise. Ms. Favreau shared that Ms. Haywood forwarded the e-mail from NextEra that they wanted to meet with the Planning Board and the Selectmen. Ms. Carney would like to meet together to hear the information at the same time. Mr. Silverman felt the public should also be part of the meeting. Mr. Kenison asked to make it a point to state it was an informal meeting until an application was submitted.

Ms. Carney thought it might be easier to move to the Planning Board meeting. Ms. Gray shared the meeting was scheduled for December 4th. Ms. Carney stated she wasn't available but would see what she could do. Ms. Haywood would contact them to schedule.

The Selectmen thanked them for coming in.

9:30 MEET WITH GENE CUOMO, ROAD AGENT
- Transfer Station

Gene Cuomo discussed the public safety building. He reported the inspection identified changing the flu pipe at a cost of \$785. Mr. Cuomo shared that the discussion at one point was to replace the furnace but the issue was the power vent. Mr. Cuomo shared that the Highway guys could do the work. The Selectmen agreed.

Mr. Cuomo discussed glass recycling. It has to be trucked to the Keene recycling center at a cost of \$80 per ton and the truck needed to get weighed each time. Mr. Cuomo stated it was time consuming and if there was any contamination in the load, the cost was \$100 per ton. Mr. Cuomo made the recommendation to stop recycling glass. Mr. Kenison asked about the cost for the compactor. Ms. Favreau shared the cost was \$105. Mr. Cuomo noted that Keene returns the crushed glass to fill. Discussion was held on the public's perception on the recycling of glass. Mr. Cuomo would like to put something on this change in the newsletter. Mr. Cuomo shared that if anything changed with recycling glass that he would reconsider.

The Selectmen agreed to stop recycling glass.

Mr. Cuomo looked at a tree on the property of Allan Howard. Mr. Cuomo shared that it was a large ash tree and years ago the top had fallen off. The tree was dead. Mr. Cuomo explained where the tree was located and asked the Selectmen to approve the Highway department removing the tree. The Town's right of way on the Richmond Road was wall to wall. Mr. Cuomo asked the Selectmen to drive by to see the tree and let him know how to proceed. Mr. Cuomo shared there were about 50 dead trees on Richmond Road in the Town's right-of-way.

Mr. Cuomo shared that he researched the cost of rubber mats to help alleviate stress from standing at the Transfer Station. The Selectmen approved the purchase.

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Mr. Cuomo asked if there had been any follow-up on the dam. Ms. Favreau shared nothing had been received after the original letter. Mr. Cuomo asked if we could submit a bill to the owner's attorney's office. Mr. Kenison asked about the status of giving the land to the Town. Mr. Cuomo stated the Conservation Commission was working on it. Mr. Cuomo reported that he has put in 8 loads of gravel and grader and loader time, which he kept track of. Mr. Cuomo shared the owner did nothing to correct the issue but an anonymous person put in oak boards to stop the water. Mr. Cuomo would follow up with the State and determine whether to bill the owner. Mr. Kenison shared that the grant had fallen through.

**9:45 MEET WITH DOROTHY ZUG
- Meadowood**

Dorothy Zug shared the Statement of Purpose for the Task Force with the Selectmen to review and comment. It included specific areas of concern. Mr. Baker asked if Ms. Zug would narrow down the "other uses". Ms. Zug thought that maybe there shouldn't be "other uses" listed and maybe just recreation and community events. Ms. Carney asked how many people would be on the task force. Ms. Zug hoped to have three people working on each component.

The task force's main focus would be: the condition of the hall, pollution and dam. Discussion was held on understanding the condition of the property, land and the cost to meet the vision of the task force for the property.

The Selectmen thanked Ms. Zug for meeting with them.

***** REVIEW CODE ENFORCEMENT BUDGET**

The Selectmen reviewed and discussed the Code Enforcement budget. Ms. Favreau reported it was basically the same as last year and five hours per week has been budgeted for Sheryl White's work. A few additional hours have been added to the budget should we get busy.

***** REVIEW CERTIFIED AMBULANCE GROUP 2019 RATES**

Ms. Carney reviewed the three options for 2019 rates. Ms. Favreau shared that the Selectmen recommended their increase last year. Residents are able to ask for forgiveness if they are unable to pay.

After discussion, Mr. Baker made a motion to follow Medicare. Mr. Kenison seconded. Mr. Baker – Yes, Ms. Carney - Yes, Mr. Kenison - Yes. Approved – 3-0

***** REVIEW E-MAIL FROM CHAD WHITTAKER OF CLEAN GENERATION'S
- 1 MW Solar Farms**

To be forwarded to the Energy Committee.

***** REVIEW LETTER FROM CITY OF KEENE
- Household Hazardous Waste Collection Days**

Ms. Carney reviewed the schedule and the cost. The Selectmen agreed to do. Ms. Favreau would sign.

***** DISCUSS COMPLAINT FROM KEVIN PARKER**

Ms. Carney reviewed the complaint from Kevin Parker. Ms. Favreau would send a follow-up letter, stating he was in violation because the property use was seasonal only. Mr. Kenison recommended sending the Health Officer to investigate where the sewage was going. Ms. Carney shared that the documentation for disposal could be requested.

Ms. Favreau would contact Carol Ann Rocheleau to look into.

Ms. Carney reviewed the second complaint from Mr. Parker. The street number was chosen by the owner, for purposes of getting electricity to the property. The structure on the property was being lived in and was larger than 120 square feet. The Selectmen had sent a letter. He met with Ms. Favreau and stated there was no construction. Mr. Kenison asked what their options were. Mr. Baker wanted to establish the cease and desist. Ms. Favreau mentioned they could do the cease and desist and request a Construction Permit and a Certificate of Occupancy would be needed.

***** DISCUSS MEETING SCHEDULE FOR DECEMBER – Discussed earlier.
- Requested meeting with NextEra**

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OTHER BUSINESS:

Ms. Carney shared that at the Historic District Commission meeting, the owners of the old post office had put in a copy of the demo application to take off the back end of the building and change out the windows. The Historic District Commission approved the demo permit but they didn't approve changing out the windows. The approved demo permit would be forwarded to the Selectmen. Ms. Carney shared the answer to the septic question was that they would have a composting toilet and the building would be used for storage only. Ms. Carney stated that a Construction Permit was needed and noted that Ms. Haywood still has the demo permit. Ms. Carney asked if the Selectmen needed to follow-up with the cease and desist order. Ms. Favreau has sent a letter stating they needed permits. Ms. Favreau would follow-up with Ms. Haywood for the demo permit for the Selectmen to approve.

ON-GOING BUSINESS:

- **STEEPLE PROJECT** – Mr. Baker reported Jay Southgate was coming in on the 28th.

Mr. Kenison asked about Lydia Ford's building. Ms. Carney mentioned posting in the Keene Sentinel for three weeks and then she and Ms. Rocheleau could go in and condemn. Discussion was held on the other building, which was owned by the Bank. The Selectmen agreed to post both properties in the Keene Sentinel but asked Ms. Favreau to contact Attorney Hoppock.

Mr. Baker asked about the information from EverSource.

Mr. Baker shared that he had talked with Chief DiSalvo about a towing policy. Chief DiSalvo would put something together. Mr. Baker discussed the conditions that could be added to the policy. This could be used as an enforcement of compliance for the businesses located in Fitzwilliam.

The Selectmen discussed their December meeting schedule. The Selectmen agreed to meet on December 4th at 6 p.m. before their Joint Meeting with the Planning Board at 7 p.m. They would also meet on December 11th at 9 a.m., December 17th at 7 p.m., and December 27th at 9 a.m.

**October Meeting Schedule: 9:00 am - Tuesday, November 13, 2018
7:00 pm - Monday, November 26, 2018**

Mr. Baker made a motion to adjourn the meeting at 10:50 a.m. Mr. Kenison seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Nancy Carney, Chairman

Daniel Baker

Charles Kenison
Board of Selectmen