



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**DECEMBER 12, 2016**

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

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

**PRIMARY:**

- \*\*\* **APPROVE MINUTES**  
- **November 28, 2016**  
- **December 5, 2016**

Ms. Carney made a motion to approve the minutes of November 28, 2016. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved - 3-0

Ms. Carney made a motion to approve the minutes of December 5, 2016. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved - 3-0

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

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

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

Ms. Silverman made a motion to approve the BTLA Settlement Agreement on the timber tax. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman - Abstained, Ms. Silverman - Yes. Approved - 2-0

- 7:15 MEET WITH FRANK BEQUAERT**  
**Re: Intersection at the Common**

Frank Bequaert met with the Selectmen to give an update on the intersection at the Common (Rte119, Richmond Road, Lower and Upper Troy Roads). Mr. Bequaert talked with JB Mack at SWRPC to determine if he could stay on as a TAC representative. Mr. Bequaert mentioned the letter the Selectmen sent to John Kallfelz, District Engineer at the State DOT and that Mr. Kallfelz stated it wasn't his job, it was William Lambert's at the State DOT. Mr. Bequaert shared he e-mailed the letter to Mr. Lambert. Mr. Kallfelz is the traffic engineer who would be moving the traffic monitors. JB Mack would contact Mr. Kallfelz to get information. Ms. Silverman asked if Mr. Bequaert included the piece where he wanted to change the speed limit on Rt 12 N. Mr. Bequaert shared that he didn't have the time to research and include this information. Mr. Holman asked if Mr. Bequaert had copied Ms. Favreau on the e-mail to Mr. Lambert. Mr. Bequaert thought that he had. Mr. Holman noted as the Town it was follow-up. Mr. Bequaert stated that he forwarded the Selectmen's letter to Mr. Lambert. Mr. Holman stated it might be worth reprinting the letter and sending it to Mr. Lambert. Ms. Silverman stated it was all done by e-mail and to make sure we don't lose this information if Mr. Bequaert hasn't heard back from Mr. Lambert. Mr. Bequaert stated it might be worthwhile for the Selectmen to send Mr. Lambert a letter.

The Selectmen thanked Mr. Bequaert for meeting with them.

- \*\*\* **REVIEW LETTER FROM LIBRARY TRUSTEES**  
- **FLSA Overtime Rule**

Ms. Silverman reviewed the letter from the Library Trustees. They want to leave the Librarian position as a salaried position.

\*\*\* **DISCUSS KMO EXPANSION**

The Selectmen discussed and reviewed the documentation. Ms. Favreau shared that she spoke with Bill Carpenter who stated if the Town wanted to hire an attorney and fight it, they could. The Selectmen agreed that this change warranted a site plan review because it's a change of use and felt it falls under the new RSA 12-E regulation. Ms. Carney shared that the Planning Board sent a letter and Suzanne Gray has a copy of the letter. Ms. Carney noted that Terry Silverman recused himself from the discussion and Suzanne Gray as Vice Chair of the Planning Board led the meeting during this discussion. Ms. Carney shared that she would like to see the State's response to the Planning Board's letter. Ms. Favreau commented the State should have the responsibility to get an accurate response to the Planning Board's questions. Ms. Silverman stated she had sent questions to NHMA and had to send to Ms. Favreau to forward. In the future, Ms. Silverman shared anytime the Selectmen want to send to something to NHMA – it needed to go through Ms. Favreau. Mr. Holman asked if the information the Selectmen reviewed was used in the Planning Board letter. Ms. Silverman replied no and stated it could be shared with the Planning Board. Mr. Holman agreed it should be forwarded to the Planning Board. Ms. Silverman asked if the Selectmen were okay with forwarding the information to Suzanne Gray, as Vice Chair of the Planning Board.

Mr. Holman asked to look into getting some kind of information from out Wetlands Scientist, even though it is a self-contained wetland. Ms. Carney wondered if they were close to the quarry and was there enough of an elevation to put them further away. Ms. Silverman noted the 75' overlay district. Mr. Holman noted in reviewing the plan submitted to the State from KMO that the wetland is delineated and was a bigger area. Ms. Silverman asked Ms. Favreau to convey that information to Suzanne Gray - consulting with Rick Van de Poll.

\*\*\* **REVIEW EMAIL FROM ROBERT FORD**

The Selectmen reviewed Robert Ford's e-mail regarding the Class 6 Road – Gap Mountain Road. After discussion, the Selectmen agreed to send a letter to both residents. Ms. Favreau would research the stipulation of a Class 6 Road and what the procedures were if wanting to do work on the road. Mr. Holman mentioned the rules of a Class 6 Road might make a good article for the newsletter.

\*\*\* **STATEMENT OF NON-ISSUE – OCCUPANCY PERMIT**

Ms. Carney shared the Statement of Non-Issue was sent to Ms. Favreau and stated the Town doesn't issue Occupancy or Completion Certificates for a cell tower. Mr. Holman stated it holds them accountable for the material being brought onto the property and Mr. Holman doesn't want to sign off on any type of oversight. Ms. Silverman stated it was something that stated we don't inspect. Mr. Holman noted the ZBA sent out information – we need to have the oversight. Ms. Silverman asked that the owner of the tower come in and meet with the Selectmen. Ms. Silverman shared this kind of document was giving us information on when it is live and taxable and if they stop using it – we have a clause stating they would have to remove it. Mr. Holman mentioned if they decided to build another structure. Ms. Silverman stated the Statement of Non-Issue defines the tower. It establishes the 125' monopole cell tower was installed. Ms. Carney shared that they would need a Construction Permit if they wanted to put a structure/compound on the property. Ms. Favreau asked what the Selectmen wanted to discuss when they meet with them. Ms. Silverman asked Mr. Holman what his concern was. Ms. Silverman stated it establishes that this has been built. Mr. Holman asked if the ZBA would do a site review now that it has been built. Ms. Silverman and Ms. Carey stated the ZBA wouldn't to a site review as it was the Selectmen's job as enforcement. Mr. Holman stated the Selectmen needed to go and look at what was built. Ms. Favreau asked if they would even know what they were looking at. Ms. Silverman shared she attended all of the hearings on what they were going to do and removal of the old tower. Ms. Silverman stated she didn't see a problem with signing the Statement of Non-Issue and didn't feel it released them from anything. ZBA told them where to locate the tower and if discovered that they were not in compliance, the variance would be enforceable.

Ms. Carney shared it was fine if Mr. Holman wanted to look at the tower. Ms. Silverman shared they needed to notify the owner of the tower and if Mr. Holman wanted to take pictures that would be fine. Ms. Carney stated the Statement of Non-Issue doesn't say they can't inspect it, states we don't issue a permit. Ms. Carney noted the Construction Permit was a trigger for Avitar to look at. Ms. Carney mentioned when Avitar would be doing their inspection they could let Mr. Holman know. Ms. Silverman stated Ms. Carney was right, they could contact Avitar to find out when they would be on the property. Ms. Silverman noted the people to talk with was the ZBA as they wrote the variance. Ms. Silverman stated that she was signing the Statement of Non-Issue.

\*\*\* **NON-PUBLIC SESSION – RSA 91-A:3 II(c) – Exemption Application**

At 7:39 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(c). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.  
At 7:41p.m. Ms. Silverman made a motion to leave non-public session. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

\*\*\* **REVIEW BUDGETS**  
- **Cemetery**

\*\*\* **BUDGET WORK SESSION**

The Selectmen reviewed their budget. Ms. Favreau shared the change that needed to be made to the following Capital Project: Road Repair Expendable Trust – should be \$280,000. Ms. Silverman asked if the Conservation Expendable Trust should be \$5,000 or \$10,000. Ms. Carney stated it should be \$10,000.

Ms. Carney noted the Selectmen present their budget on January 5<sup>th</sup>. Ms. Carney shared that the deliberative session for the school budget would be held on February 4<sup>th</sup> at 9 a.m. and the Town’s Budget Committee’s Public Hearing would be held on January 26<sup>th</sup>.

Ms. Carney asked Ms. Favreau to let Win Wright and Phyllis Peterson know we received the list of students and could they get the list of students that attend George Emerson Elementary but are not residents of Fitzwilliam.

The Selectmen suggested having someone come in to meet with them to discuss homeschooling and the requirements.

**OTHER BUSINESS**

Ms. Favreau and the Selectmen reviewed the articles for the newsletter. Ms. Silverman asked if the Selectmen wanted a snow date for the informational meeting for the school budget. Ms. Favreau mentioned not knowing when they could hold it. Ms. Carney shared she had e-mailed Fitzwilliam’s School Board and Budget Committee representatives asking them to send information to Ms. Favreau.

Ms. Silverman shared that she was working on drafting an update for the Prime Wetlands and wanted to get the Task Force together. Ms. Gray offered to help Ms. Silverman write up talking points. Ms. Silverman would forward the information to Ms. Favreau for inclusion in the newsletter. Discussion was held on the meeting dates. Ms. Favreau shared she would need the final information on the 25<sup>th</sup> for the Warrant Article. Ms. Silverman discussed how to get the word out to people and shared that she got the notes from the last Conservation Commission meeting and had forwarded them to Ms. Gray and Robin Haynes, as she doesn’t want it coming from just her or the Selectmen. Mr. Holman commented that he supported this project all the way through but when Rick Van de Poll gave his last presentation, he wasn’t convinced. Discussion was held on what came across, Mr. Van de Poll being a Wetlands Scientist, the need to provide the information on why it’s important for the Town, and concerns. Ms. Favreau thought that the Conservation Commission should have been the ones to take the lead on this. Ms. Silverman shared the Planning Board’s Public Hearing was for the ordinance change and she wasn’t sure if nominating specific wetlands was a warrant article or ballot vote. Ms. Silverman also shared that Mr. Van de Poll doesn’t live in Fitzwilliam and it wasn’t his job to figure out how to sell to the Town. It is the responsibility of the Selectmen and the Conservation Commission.

Ms. Favreau shared her concern with the timeline. Mr. Holman discussed ways to present the information to the property owners. Ms. Silverman was trying to engage people to discuss and mentioned the possibility of postponing for another year. Ms. Favreau asked what happens if voted down. Ms. Silverman stated it was over. Mr. Holman asked when the wetlands committee would be meeting, as he would like to attend. Ms. Silverman shared it has been difficult to meet and stated the need to put information together for the January newsletter. Ms. Silverman stated the Town voted to do this but not everyone attends the meetings. Ms. Silverman reviewed the 3 major and the 3 smaller wetlands that have been identified. Mr. Holman discussed the rankings and what the Town wanted to accomplish. The Selectmen agreed there was still a lot of education that needed to be done. Communicate to property owners that what they have – they will always have. Ms. Carney shared it was a huge part of the education. Need to identify what property owners are there and to notify them of the meetings. Hold an information meeting in February.

\*\*\* **Transfer Station will close at Noon on Saturday, December 24<sup>th</sup>.**

**Reminder: Informational meeting – School budget – January 11<sup>th</sup> at 6:30 p.m.**

**ON-GOING BUSINESS**

Mr. Holman made a motion to adjourn the meeting at 8:19 p.m. Ms. Carney seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Susan Silverman, Chairman

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Nancy Carney, Vice Chairman

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Chris Holman  
Board of Selectmen