

## SELECTMEN'S MEETING – AUGUST 13, 2008

### ATTENDANCE

Selectmen Nancy L. Carlson, Bruce L. Tatro, and Deborah J. Davis. Town Administrator Elizabeth Fox also was present.

### FINANCIAL MATTERS

Selectmen reviewed and approved accounts payable and payroll manifests.

Chairman Carlson called the meeting to order at 6:10 p.m.

### INFORMATION

Local Government Center Legislative Policy Proposals Board members received 9/12/08 session floor policies to review prior to discussion at the August 27 work meeting.

**CITIZEN CONCERNS** -- none presented

### DEPARTMENT REPORTS

6:40 - 8:05 DPW Director Lee Dunham. See **OLD BUSINESS**.

### APPOINTMENTS

Annette Studebaker re Sevene (138 Pine Street Tax Map 57, Lot 118) 8:40 – 9:20  
Studebaker requested an update regarding the 138 Pine Street driveway, and the Sevene business use of Pine Street.

DPW Director Dunham reported that the surveyor's initial work indicates that the property line bisects the existing driveway, and Sevene has filed with DPW a driveway application to re-locate the driveway to the other side of the garage. Dunham explained that a residential driveway may be situated 10' from the property line; the length from road to residence may require constructing a place for vehicles to pass. In addition to re-locating the driveway, options for correcting the situation include moving the property line by purchasing land from the abutter, or obtaining an easement from the abutter.

Studebaker expressed concern with the proposed driveway's impacts on drainage. She provided a list of Sevene's business equipment.

Dunham stated that section of Pine Street from Sevene's garage to the entrance to the Ashuelot River Campground is only chip-sealed.

Tatro stated that, until the garage passes a fire inspection, he does not endorse sending Fire Department personnel into the building to fight a fire. Studebaker said that her call to NH-DES should produce a visit within two weeks.

Studebaker and Selectmen discussed what would be entailed should the Board issue a cease and desist order. Studebaker stated that she and her husband feel they are at risk. Studebaker's review of a neighbor's file (Goodell) shows that the first complaint regarding Sevene's business was filed with the Town in 2002.

Based on the Town's prior experience with comparable situations, Fox said that the process likely would be protracted. She offered to send to Town Counsel the parameters of the situation, and ask for a recommendation.

The Board authorized Fox to ask Counsel for an opinion, for discussion at the Boards' August 27 meeting.

Arthur Camuso re Westbrook Court (Class VI section) 7:45 - 8:40 See **CONSIDERATION OF OLD BUSINESS**

## **NOMINATIONS**

Economic Development Advisory Committee -- nominations due August 29, 2008. The press release has been issued and notice posted.

**CONFIRMATIONS** – none scheduled

**PUBLIC HEARING** – none scheduled

## **CONSIDERATION OF OLD BUSINESS**

Non-public session, RSA 91-A:3IIIb, Fire Chief Recruitment. See **NON-PUBLIC SESSION**.

Westbrook Court (Class VI portion). Board members reviewed a NH-DES emergency authorization verification, and correspondence (including sketches and photographs) from Anthony Camuso. Camuso requests permission to conduct work pursuant to the emergency wetlands application, and requests authorization to regularly maintain the class VI portion of the road.

At a March 2008 meeting, Selectmen advised Camuso they would consider granting permission for replacement of the culvert, provided Camuso first obtain a wetlands permit. (A State inspection has determined that the road is not officially a dam.) After the culvert failed last weekend, Camuso sought emergency permission from the NH-DES Wetlands Board, and completed repairs earlier in the week.

Camuso outlined the history of flooding and deterioration of the Swanzey Class VI portion of Westbrook Court. The road bisects a long pond, which could serve as a local fire pond. A culvert allows the pond to flow under the road.

In response to apparent disapproval from neighbors, Camuso postponed 2007 plans to replace the rusted-out, blocked culvert. In March 2008 developing sinkholes prompted Camuso to contact State agencies to obtain necessary permits to replace the culvert in kind. Despite spring flooding, Camuso sought to appease the neighbors by continuing with stopgap repair measures, until recent torrential rains washed away between ten and twenty feet of the road and carved a 3' gully. Camuso contacted DPW Director Dunham on August 11 to report the situation. Dunham advised Camuso to obtain State emergency authorization for repair; after completing the repairs, Camuso realized he also should have obtained Town consent before beginning the work. NH-DES advised him that is acceptable to obtain Town consent after completing emergency repairs.

Dunham stated that the new 18" culvert was installed at the correct pitch, which caused the pond level to drop, presumably to its original level. Camuso said that neighbors placed stones near the culvert openings, in an apparent attempt to raise the pond level. On August 12, Camuso reported the stone placement to NH-DES, and was advised to file a letter of complaint.

Camuso seeks the Town's help in resolving the situation amicably. Tatro suggested installing elbows at the culvert ends, to allow the pond level to rise and also help keep the culvert unblocked. He also advised Camuso that 6" of fill on top of a plastic culvert may be inadequate to prevent the culvert from frost heaving, or being crushed by heavy vehicles. Additional fill might resolve these issues, but might also cause the road to achieve the classification of a dam.

Camuso stated that he would contact NH-DES on August 14 to request permission to install the elbows, and to ask for help with arbitrating with the neighbors. He does not want the pond to be drained.

When his family purchased their Richmond house in 1999, Camuso signed an agreement with the Town of Richmond stipulating that he would be responsible for maintenance of the road, to specific standards, and that the Town of Richmond could promise only to make a best effort to serve the house with emergency equipment if the road met those standards. Camuso stated that he would send Fox a copy of his 1999 agreement with the Town of Richmond regarding road

maintenance. Fox said that before the Board could consider a similar arrangement, Town Council would have to draw up a formal agreement for Board review.

**Motion** by Davis for the Board to grant written *post facto* permission as required by the emergency authorization of NH-DES. Second by Tatro. All in favor.

Department of Public Works The Board met with DPW Director Dunham to discuss status of the following items.

1. Cost of cleaning up a lightning-struck pine tree in the Mt. Caesar Cemetery: Estimated at \$1,800 - \$2,000. Fox stated that the Mt. Caesar Cemetery Fund, with approximately \$20,000 of income available, is an appropriate source of funds for the tree removal.

**Motion** by Tatro to authorize to Fox to request the release of funds from Trustees of the Trust Fund. Second by Davis. All in favor.

2. Installation of body, plows etc on new one-ton truck: Not yet complete.

3. Revised weekly reports: Dunham continues to test and improve the system; it appears to be helping department organization.

The group discussed assigning each function a code, and tracking personnel and vehicles to function. This approach would result in daily reports, would yield information about the level of resources required by each task, and would help to justify equipment replacement.

For the time being, Tatro recommends that the DPW continue to test the current system, under Dunham's direction and according to the form he specifies.

4. Winter maintenance policy: Dunham expects to have recommended changes incorporated into the policy within several months.

5. Reducing energy use for lighting: Dunham is experimenting with reducing the amount of lighting in the Town's covered bridges. The Town has not received any complaints. Cool Monadnock might provide an energy assessment for the Town; however, so far no one has volunteered for the appointment.

6. Sidewalk Committee: In a recent letter to Dunham, the Sidewalk Committee expressed the desire to improve coordination of projects with the DPW.

Selectmen discussed developing a framework for Sidewalk Committee responsibilities relative to those of the Town, to remedy the confusion that ensues when both entities maintain sidewalks. Fox provided background.

Established by a vote of Town Meeting, the Sidewalk Committee was charged only with the power to spend the Snow Fund (established by will) for streets and sidewalks. Trusts are empowered to propose projects, and to fund them. In the case of the Sidewalk Committee, projects could include purchase of equipment, as well as maintenance and repair of sidewalks.

All other authority belongs to Boards of Selectmen, including the authority to advertise and open bids. The Board authorizes the execution of work in the Town right-of-way, and can authorize the plowing of sidewalks.

State law makes optional the municipal plowing of sidewalks. Dunham reported that last year's repairs of the sidewalk tractor restored good function. He anticipates another season of use.

7. DPW hiring: Dunham presented the DPW organizational chart, and the group discussed policy regarding staffing of full-time and part-time positions, relative to specific tasks and within the context of vehicle availability. For safety reasons, Dunham generally prefers to structure staffing around two-person crews. He would like to build in more staffing for snow shoveling, and also recommends that the Town to have a back-up sexton.

The Board asked Dunham to revise the organization chart to include descriptions of the various positions.

8. Road surface reports: To get a better price on topping West Street (\$34,000 estimate), Dunham proposes also shimming Cobble Hill Road (very roughly estimated at approximately \$50,000). He will determine whether combining the projects results in a better deal for the Town. The reconstruction work could be funded from the Expendable Trust for sidewalks and roads.

Sevene Site Plan Review Application At its August 8 meeting, the Planning Board voted to deny the application. Sevene has requested a copy of the Planning Board meeting tapes. Fox told Sevene that she has received reports of Sevene's heavy equipment going up Cobble Hill Road. He denies Town officials permission to go onto his property.

### **CONSIDERATION OF NEW BUSINESS**

Wetlands Mitigation Application – Moore Nanotechnology Systems LLC. Selectmen reviewed correspondence from Brickstone Masons, Inc. seeking Board and Town support for the proposed mitigation application.

Fox and Carbonneau have asked the Open Space Committee and Conservation Commission to coordinate policy related to wetlands mitigation and conservation easements, and to make their recommendations to the Board. The groups have scheduled a joint meeting for 6:00 p.m. on Tuesday, August 26.

Open Space Committee Chair Barlow said that she hopes for prompt, positive resolution of the application. Given the Town's existing planning tools, and those in progress through technical assistance with the NH *Wildlife Action Plan* from UNH Cooperative Extension, she questioned the added value of a natural resource inventory. Rather, she recommends that the proposed \$10,000 payment to a consultant instead be invested in the Town's voter-supported Conservation Land Acquisition capital reserve fund, where it could directly benefit existing programs designed to protect the Town's natural resources. A second benefit of this alternative is that it would not divert Town Planner Carbonneau from her existing responsibilities, as might the hours required to help a consultant compile existing information at Town Hall.

Board members also expressed their desire for prompt, positive resolution of the mitigation application.

Fire Department Invoices. Fire Chief Symonds has received two invoices totaling \$5,062.42 for hose and nozzles related to outfitting the new fire truck.

Selectmen agreed that the threshold for prior approval of purchase is \$1,000; furthermore, the account lacks sufficient funds to cover the purchases. A suction hose was included in the truck purchase. Tatro stated that the plan had been to transfer existing equipment over to the new truck.

The Board asked Fox to return the invoices to Symonds.

Non-public session, RSA 91-A:3IIa & c, Police Department. **SEE NON-PUBLIC SESSION.**

Proposed Schedule Fox presented a proposed schedule for developing the 2009 budget, and for Town Meeting 2009. For information, the Board also received the School District 2009-10 annual school budget schedule.

The Board discussed and adjusted dates. To facilitate the Selectmen's review, Fox will be asking departments to provide more information regarding the methodology used to calculate line items.

### **CONSENT AGENDA**

1. Cheshire Fair Taxable/Exempt apportionment
2. MS-1 extension
3. Exemption Application Tax Map 33 Lot 69-9
4. Sympathy card – Hill/Dexter family

**Motion** by Davis to approve the consent agenda; second by Tatro. All in favor.

#### **CONSIDERATION OF MINUTES**

**Motion** by Tatro to approve minutes of August 6, 2008 and August 11, 2008, both public and non-public sessions. Second by Davis. All in favor.

#### **NON-PUBLIC SESSIONS**

**Motion** by Tatro at 6:13 p.m. to enter non-public session, pursuant to RSA 91-A:3IIb, to discuss hiring. Second by Davis. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis, and Fox.

Selectmen left non-public session at 6:33 p.m. Motion by Davis to seal the minutes indefinitely. Vote by roll call. Second by Tatro. All in favor.

**Motion** by Tatro at 6:33 p.m. to enter non-public session, pursuant to RSA 91-A:3IIa and RSA 91-A:3IIc. Second by Davis. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis, and Fox.

Selectmen left non-public session at 6:38 p.m. Motion by Davis to seal the minutes indefinitely. Vote by roll call. Second by Tatro. All in favor.

#### **OTHER BUSINESS**

Dunham reported that the new Pierce fire truck did not have throttle at the pump at a recent call. The truck has been sent back for repairs, and no funds remain in the repair line item to cover the cost of repairs.

#### **ADJOURNMENT**

**Motion** by Davis to adjourn; second by Tatro. All in favor. The meeting adjourned at 10:00.

Submitted by

Victoria Reck Barlow  
Recording Secretary

#### **LIST OF FUTURE AGENDA/PENDING ITEMS**

1. Personnel policy updates – drafting of updates ongoing. Distribution pending.
2. Decide whether to replace Carpenter Home burner and underground tank, possibly with an alternative heating system – investigation of options and other means to save on energy related costs ongoing.
3. Display on Route 12 (pending enforcement issue) referred to Weston.
4. Disposition of South Grove Street Land acquired by tax deed - pending.
5. RFP – Town Facilities assessment.
6. Hiring – Department of Public Works (full time positions). Organizational chart requested from Dunham 6/25.
7. Subdivision Road Standards. Draft developed by DPW Director Dunham distributed to Selectmen. Review pending. Winter Maintenance draft – revisions to priority section requested.
8. NHDOT Projects – development of scope of work and fee proposals for Rail Trail and Bridge Projects underway. Board approval of scope and fee proposals pending.
9. WS Sidewalk Committee – work plans & process 2008? Equipment Budget 2009.
10. Conversion of 1997 DPW truck to forest fire vehicle pending/Fleet assessment & disposition of excess vehicles pending.
11. Street Addressing Committee. Review of file and project status underway. Committee meeting to be scheduled.
12. Discussion, defining roles and responsibilities between Selectmen, DPW and West Swanzey Sidewalk Committee. Research underway.
13. Town ordinances – Fireworks & Dog droppings. Hearing scheduled on Animal Control changes proposed.
14. Carpenter Home Properties – Discussion with counsel re: options. Authorization to investigate pending.