

## **Selectmen's Meeting – July 27, 2010**

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

Chairman Carlson called the meeting to order at 6:15 p.m.

**Financial Matters.** Selectmen reviewed and approved accounts payable and payroll manifests.

**Ashuelot Rail Trail Project Schedule.** Selectmen were provided an updated schedule for this project funded in part through a TE grant aimed at improving 13,000 feet of rail trail from Keene beginning at a point south of Route 101 to Sawyers Crossing Road in Swanzey (provided funding allows). Fall/winter bidding of the project for spring construction is planned.

**Homestead Woolen Mill.** Selectmen were advised that a joint “tour” for members of the BOS, ZBA, PB and EDAC of the Homestead Woolen Mill to see the facility and talk with Brown’s about their vision for it is under discussion. Date currently under consideration is September 15.

**Carpenter Home.** Selectmen met with Carpenter Home Administrator Dawn Rice who reported on activities at the home during the past month and updated members on current census.

**Non-public session – RSA 91-A:3IIa, Personnel.** Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIa at 6:25 p.m. Present were Carpenter Home Administrator Dawn Rice and Town Administrator Beth Fox. Selectmen came out of non-public session at 6:45 p.m. Selectmen voted unanimously to seal the minutes of the session indefinitely by roll call.

**Citizen Concerns – Susan Hugal, 139 Oliver Hill Road.** Selectmen met with Susan Hugal and DPW Director Lee Dunham. Ms. Hugal expressed concern about illegal dumping occurring on the Class VI portion of Oliver Hill Road at points beyond her driveway. She advised that since moving to the neighborhood approximately 13 years ago illegal dumping has increased and now building demolition materials is being dumped in the class VI road. She and neighbors have tried to keep the trash cleaned up but the demolition debris is more than she can move. She asked if a gate, blocking access to the Class VI portion of the road, could be installed to prevent illegal dumping. The legal status of the road, which is believed to be Class VI providing the public rights to continue to travel over it, was discussed. While a gate might be installed, it could not be locked to preclude passage by the general public along the Class VI portion of the road. The future of the road, and whether consideration should be given to converting it to trail status, was discussed. Any change in road status would require Town Meeting action. Concern about an old stone culvert on the class VI portion of the road and how damage to it was resulting in the direction of water down the road instead of into the woods was expressed by Ms. Hugal too. Dismay that a small portion of the general public did not respect the property of others was discussed at length. Staff will follow up with the Code Enforcement Officer to see if the building debris dumped matches a permit issued by the town. Staff will also talk with the Police Department about litter enforcement and report back to Ms. Hugal. DPW Director Dunham will visit the dumping site and assess the culvert to determine whether repair pursuant to the “emergency lane” provisions should be considered. DPW forces will pick up the debris left in the right of way. Dunham will report his finding regarding the culvert and whether the town should consider repair to the board at a future meeting.

**Department of Public Works.** Selectmen met with DPW Director Lee Dunham who advised that safety training for department members had begun today providing a schedule of upcoming trainings – Attachment #1. In addition to the scheduled sessions, personnel will be participating over the next few months in the LGC’s car control program. Dunham advised he anticipating finalizing his recommendations regarding acquisition of a trench box system so Selectmen could consider it at their August 10 meeting. Road reclamation projects and plans to place base course pavement the week of August 2<sup>nd</sup> were discussed. Dunham advised he had one Matthews Road abutter expressing concern about their road height at the driveway and that he was working to resolve that concern.

**Traffic Regulations.** Selectmen reviewed emails between Dunham and Police Chief Rich Busick recommending installation of 2 stop signs in the Wilson Pond area. The first sign would be placed at the intersection of Wilson Pond Road/Pasture Road and the second at the Pasture Road’s intersection with Lake Shore Road. Traffic coming on to Pasture Road would be required to stop. Selectmen authorized staff to schedule a public hearing to accept testimony on the proposed stop signs.

**RFQ – Engineering Services, Cobble Hill Road and Warmac Road Bridges.** Selectmen were advised that proposals were due July 30<sup>th</sup>. A review committee including Dunham, Fox, Carlson, Carbonneau and Blodgett will short list the submissions and interview at least 3 firms recommending a top ranked firm to Selectmen.

**RSA 674:41 I(d), Tax Map 61 Lot 13, West Shore Road.** Selectmen met with David Bergeron, Brickstone Mason (representing the property owner), Tom Forest (septic system designer) and Bill Hutwelker discussing the property owner’s request for permission to obtain a building permit using a private road referred to on an old plat as Belmont Street as the street access. Bergeron reviewed for Selectmen the property plot plan showing the lot’s location and other uses adjacent to it. Lot 12 has a state approve septic system (that is not connected to a residence); lots 14 and 16 contain year round homes. Bergeron reviewed for Selectmen the provisions of RSA 674:41 and the specific provisions of Section I(d) summarizing for members the hearing conducted by the Planning Board by reviewing a handout prepared by Bergeron in response to the Planning Board’s recommendation – Attachment #2. The provisions of the zoning ordinance as they relate to the “savings” clause for lots establishing a minimum lot size and frontage requirement and the ordinance definition of frontage were reviewed. Whether the lot conformed to the Section III E was discussed. Septic plans prepared for lot #13 demonstrating it could support a 2 bedroom system were reviewed by Forest. Selectmen queried how location of a septic system on this lot impacted the development of lot #12 – which currently has a septic but no residence. Well radius requirements and waivers needed to allow reduction in setback from lot 13’s well to allow neighbors on lot 12 build are likely required. Other situations represented by the applicant as similar including a residence built on Harvey Lane (private road) in 1991 and the construction of residences on Tax Map 61 Lots 14 and 16 were reviewed by Bergeron as supportive of this approval which to build a 3<sup>rd</sup> residence using access known as Belmont Street. Bergeron expressed his view that the planning board should have addressed the question of whether Belmont Rd was a private street. He advised development of lot 13 would not distort the official map of the town or cause financial impact to the town which is negative because a hold harmless agreement would be signed. Proposed development on Lady Slipper Lane and whether this circumstance was similar was discussed. Bill Hutwelker spoke in support of allowing construction on the lot pursuant to RSA 674:41 I(d) because of the context of this situation. In his view, its development would not be contrary to the spirit of the ordinance – there would be no harm/no foul – as Harper’s residence (lot 14) was farther in and since the town allows both Harper and Winsor (built in 1965) to use Belmont Street it might be found discriminatory to not

also allow lot #13 to do so. Hutwelker cited the ZBA's approval of a variance for Tarr (house built following approval of a variance on the Class VI portion of Massey Hill Road) as a similar situation. Selectman Carlson queried whether the town's past "mistakes" should require it to continue to make those same mistakes advising that she did not think the access was a private road. Assessment information was reviewed by Hutwelker in support of approving the application to allow construction. Plans and the idea of paper streets and who owned them were discussed. A survey prepared of lot #13 – showing the "paper streets" to the west and east of lot #13, but not the north, as part of lot #13 was discussed. Selectmen deferred action to a future meeting.

**Thompson Bridge Project & Homestead Dam Project.** Selectmen were updated on the Thompson Bridge Project schedule and advised it was anticipated that a notice of award would soon be issued for the Homestead Dam by that project's partners to Sargent Corp. of Maine. Selectmen approved amendment to the town's engineering services agreement to address additional dwarf wedge mussel removal for the dam project (town had agreed to fund mussel relocation if Dam project partners picked up the costs associated with the wetlands permits) designating Chairman Carlson as authorized to execute the amendment on behalf of the town subject to approval by NHDOT.

**Sale of 140 Warmac Road – Property Acquired by Tax Collector's Deed.** Selectmen were provided with a final copy of the bid notice establishing a return date for submissions of August 23<sup>rd</sup>.

**Agreement with Cheshire TV.** Selectmen discussed the agreement negotiated advising they were not supportive at this time of an increase in the franchise fee or inclusion of terms for how an increase might be distributed if it were considered, need for a non-appropriation clause or adjustment to contract term, need for a method to reserve the town's right to a portion of Cheshire TV's staff resources (if expansion of coverage of Keene government activities (Section J) is to occur through existing franchise fees), notice of by-law changes and meetings in the same manner as members and prior notice by Cheshire TV of term expiration of Swanze's Board of Director representative to trigger any right Cheshire TV may have to appoint Swanze's representative. Selectmen expressed their disappointment regarding the manner in which Cheshire TV representatives had characterized Cheshire TV's decision to "turn off" the channel the previous weekend which appeared to assign blame to the Town of Swanze.

**Letter to the Editor – Welcome to Swanze sign.** Members endorsed a letter to the editor expressing appreciation to those involved in the new welcome sign project.

**Yale Timber Tax – Request for an abatement of interest assessed.** Selectmen voted to approve a request to abate 50% of the interest associated with late payment of a 2009 Yield Tax by Yale University.

**Request to modify agreement for administration of Page Homestead CDBG Grant project.** Selectmen advised they did not support modification of the grant administration agreement to provide additional funds to SWRPC commission as suggested in correspondence from the Grant Administrator.

**Land Use Change Tax Penalties.** Selectmen discussed 2 parcels requiring assessment of penalties and the few vacant land sales occurring in the town over the past year. Selectmen requested staff contact neighboring towns seeking vacant land sale data.

**Update - Keene Wastewater Treatment Plant Upgrade.** Selectmen were advised that the planning effort for the mandated plant upgrade was accelerating and that Swanzey sewer officials had retained an engineering firm to guide their efforts and would be participating in a meeting next week with the City. The project may require a bond authorization on the 2011 Town Meeting Warrant.

**Department of Revenue Assessment of Town's 2009 Update.** Selectmen reviewed a memo from Assessing Coordinator V. Barlow summarizing correspondence from DRA reporting finding the town's update substantially compliant with the established standards and commending Selectmen for the efforts undertaken to provide equity within the Town.

**August Meeting schedule.** Selectmen set business meetings for August 10, 17 and 31.

**Consent Agenda.** Selectmen approved the following items:

- Accepting Old Home Day donations, - Woody's on the Rocks, Pogorzelski, Hagg, Monadnock 9/11 Truth Alliance, Goodwin, Lizzies Little Wollies, Letourneau, Wibben, Scholz-Karabakakis, Cards of Joy/Wax on Tap totaling \$160. Action regarding expenditure pursuant to RSA 31:95-b was deferred.
- Raffle Permit #2010-21.
- Event Permit #2010-21.
- Authorize Chair to execute on behalf of the town a ROW Certificate – Ashuelot Rail Trail Project.

**Consideration of Minutes of Selectmen's Meeting of July 13, 2010.** Selectmen reviewed and approved, as written, the July 13<sup>th</sup> meeting minutes for their public and non-public sessions.

Meeting adjourned at 10 p.m.

Submitted by,

Elizabeth A. Fox  
Town Administrator