

SELECTMEN'S MEETING – JULY 16, 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 6:08 p.m.

INFORMATION

Swanzy celebrates Old Home Day on Sunday, July 20th. The parade begins at 2:00.
The Board of Selectmen next meets on Wednesday, July 23 at 6 p.m.

CITIZEN CONCERNS – none presented

DEPARTMENT REPORTS

6:15 – 6:45 DPW Director Lee Dunham

APPOINTMENTS

7:30 – 8:15 Town Counsel Sam Bradley

NOMINATIONS – none scheduled

CONFIRMATIONS – none scheduled

ENFORCEMENT – none scheduled

PUBLIC HEARINGS – none scheduled

CONSIDERATION OF OLD BUSINESS

Carlton Road Extension roadway improvements and retaining wall.

Selectmen reviewed received bids and a letter outlining the engineer's recommendation and cost estimate for construction phase engineering services.

DPW Director Dunham outlined the total anticipated costs, which reflect an estimate of worst-case town share relative to the FEMA contribution. The lowest bids are for a base cost of \$233,955; alternative I + base bid is estimated at \$262,930; Alternative 2 + base bid is estimated at \$273,315. (Alternative I increases the height of the retaining wall, and installs bank run to make it possible to widen the road in the future; Alternative 2 adds road widening.) The Town's expendable trust for road reconstruction and reclamation will fund Swanzy's portion of the expense.

With no contingency, the cost to the Town would be about \$39,000; with a contingency, the Town's share would be \$44,000. Constructing Alternative 2 would cost the Town approximately \$33,000 more than Alternative 1. Dunham recommends Alternative 2. Selectmen discussed traffic management on Webber Hill Road and potential outcomes of widening Carlton Road Extension, along with budget priorities for paving and topcoating.

Motion by Tatro to award the Carlton Road Extension project, consisting of the base bid plus Alternatives 1 and 2, to Park Construction, as well as to authorize staff to retain construction engineering review services through Underwood Engineering. Second by Davis. All in favor.

Dunham reported that salt bids for District 4 have come back at \$59.96/ton, in line with his \$60/ton estimate, and low compared to other districts in the state. Dunham recommends using the Capital Improvement Program process to explore the most economical options for managing salt inventory.

NP Session, RSA 91-A:3IIB, Fire Chief Recruitment progress update. See **NON-PUBLIC SESSION.**

Town Ordinances and Regulations – Dogs.

Selectmen discussed with Town Counsel Sam Bradley the legal process for adopting the proposed amendment to the dog ordinance. Bradley stated that RSA 466:39-2c (relating to dogs on private property) and RSA 41:11 (relating to public property) both enable the ordinance. The Selectmen are authorized to adopt the ordinance and put it into force.

Fox will proceed to schedule public hearings under both statutes to take comment on the proposed ordinance.

Conversion of 1997 Ford DPW One-Ton pickup for forest fire use.

Selectmen reviewed Fire Chief Symonds's cost estimates of the conversion.

Less than \$4,000 of the Fire Department's \$14,000 vehicle maintenance operating budget remains, not including additional funds authorized for repair of other trucks (1980 Chevrolet pick up – Center Station). Selectmen noted that the new fire chief will bring his/her perspective to the Department and its equipment. It also may be an advantage to have the new chief handle the sales of the two old Mack trucks.

Motion by Tatro to take the 1997 Ford DPW one-ton pickup off the road until its future use is decided. Second by Davis. All in favor.

Carpenter Home

Selectmen discussed with Town Counsel Bradley the provisions of Lucy Carpenter's will and trust. The Board has no specific plans, but questions arise relative to Town use of the acreage for recreational or municipal purposes, or protection with a conservation easement.

The Carpenter documents call for maintaining the good condition of the homestead, which is to be used and occupied as a home for the poor and unfortunate. The trust grants no authority to invade principal; however, real estate outside of the homestead may be disposed of and those cash proceeds used to pay for the expenses of the Home.

The Town has trust authority and, as trustees, the Selectmen are authorized to make decisions about the Home.

If the Town ever chose to close down the Home, or alter its use from that called for in the trust, the property reverts to Carpenter heirs. The Town would be legally bound to find and notify all heirs.

It is possible to petition the Court for permission to deviate from the terms of the trust.

Bradley explained that *Cy Pres* relates to a situation in which it has become impossible for trustees to perform the purpose of a trust. If property has been given in trust for a charitable purpose, and that purpose becomes impossible to carry out, the trust does not fail; rather, it is necessary to go to court to receive permission to use the trust for another purpose. The director of charitable trusts at the Attorney General's office supervises such decisions.

If the Town sought to protect with a conservation easement the Carpenter land that is not necessary to the functioning of the Home, or to use that land for other purposes, Bradley advised

the Selectmen to consider purchase of the land. To satisfy the estate, the Town would survey and appraise the land, raise Town money to make the purchase, and put proceeds of the sale into the Carpenter trust, thereby extending the purpose of the trust into the future. A conservation easement could stipulate that timber income would go towards supporting the Home.

Bradley advised the Board to hold a public hearing as part of their consideration of any options.

Discussion, town energy consumption, trends for Budget 2009

Selectmen discussed options for conserving heat and electricity, and minimizing use of fuel for vehicles. Lately some towns in the region have adopted – or are considering adopting -- a four-day workweek, either for certain departments or throughout the organization. In addition to exploring any possible alternatives for savings, Board members would like to consider “green” energy options.

CONSIDERATION OF NEW BUSINESS

Home Occupation Application – Michael Duffin, Tax Map 49 Lot 3.

Duffin wishes to operate his business as an educational research consultant from residential real estate at 272 Eaton Road. Fox has informed Duffin that a home occupation refers to the primary location of the business base.

Motion by Davis to approve the home occupation, provided that the use not exceed 300 square feet. Second by Tatro. All in favor.

Rates of Pay – Election workers.

Minimum wage increases to \$7.25/hour on September 1. The 2008 budget was developed with funds sufficient to allow rates to increase from \$7/hour to \$8/hour for ballot clerks and supervisors of the checklist; from \$8/hour to \$9/hour for assistant moderators; and from \$9/hour to \$10/hour for the moderator.

Motion by Davis to authorize election workers’ pay increases. Second by Tatro. All in favor.

Appointment of Deputy Tax Collector.

Tax Collector Ruth Snyder has recommended that the Selectmen appoint Elizabeth Fox deputy tax collector.

Motion by Davis to accept Snyder’s recommendation to appoint Fox interim Deputy Tax Collector until January 15, 2009. Second by Tatro. All in favor.

Land Use Change Tax Penalties Tax Map 13 Lot 11 Cold River Materials (2.9 acres off Flat Roof Mill Road); Tax Map 32 Lot 8 (portion of) BLA of .42 acres to abutter Tax Map 32 Lot 13.

Selectmen set penalties; Fox will prepare formal notices for a future meeting.

Other business

Security of non-public session minutes

Selectmen asked to receive their copies of non-public meeting minutes in printed form, but are comfortable with electronic transmission from the recording secretary to town administrator.

Robert McClure-Katherine Maher home occupation - Tax Map 23 Lot 5

Selectmen reviewed correspondence, and advised staff to proceed with enforcement.

CONSIDERATION OF MINUTES

Motion by Tatro to approve the minutes of July 9, 2008, Second by Davis. All in favor.

CONSENT AGENDA

1. Event Permit #2008-14, TAP Enterprises – Tool Sale @ ES Community House.
2. Raffle Permit #2008-18, Old Homestead Association.
3. Request for PA 28 Inventory Forms Tax Year 2009.

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

NON-PUBLIC SESSION

Motion by Tatro at 8:32 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 8:45 p.m.

ADJOURNMENT

Motion by Tatro to adjourn; second by Davis. All in favor. The meeting adjourned at 8:51 p.m.

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 – staff meeting to discuss scheduled 7/10.
3. Display on Route 12 pending enforcement issue.
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 needed.
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. Fire Department SOG 1, 2 & 3 complete/Repair to 1980 authorized/Estimate for conversion of 1997 DPW truck to forest fire vehicle received, action 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. Hearings to be scheduled.
14. Carpenter Home Properties - Cy Pres or other process to expand use.