

SELECTMEN'S MEETING – AUGUST 6, 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

“A New Vision – Monadnock Regional High School” Selectmen viewed the introduction – part of an interview with Selectman Tatro -- to a video prepared by MRHS senior Evan Barlow as part of his film project, “Swanzy Rural Character.” The 28-minute film will be shown on Cheshire TV in hopes of inspiring interest in the September 9 vote on the teachers’ contract.

Selectmen noted that the views Tatro expressed in the film were his own, and do not necessarily represent those of the Board. The Board’s position regarding the teachers’ contract is to strongly encourage voters to investigate the issues, and to vote.

Police Cruisers The lease agreement for the three new 2008 cruisers has been executed. The final annual payment was set at \$27,250.37 (2008/2009 and 2010). The 2008 budget provided for an annual payment of \$28,110.

Forest View Estates LLC v. Town of Swanzy (Land Use Change Tax) Town Counsel Kinyon has filed a motion seeking conditional default against the plaintiff, who has failed to respond to the Town’s interrogatories. Fox will advise the Board of further developments.

Town of Swanzy v. Brnger The court has issued orders modifying its initial \$70,200 civil penalty to \$4,500 for violation of the court’s stipulation, and \$4,752 for violation of the town’s zoning ordinance with respect to the garage. The court has approved awarding the town’s attorney’s fees of \$5,540 plus costs of \$176.40.

Wetlands Mitigation Application On August 12th at 7:00 p.m., Brickstone Masons is scheduled to present to the Swanzy Conservation Commission its proposed mitigation application for Moore Nanotechnologies LLC.

Carlton Road Extension Contracts for the project, with Alternates #1 and 2, were executed on August 5. Park Construction expects to begin work on or around August 20th and work should be substantially complete by October 19th. Provided there are no change orders, the project should be finalized by November 18th (excluding top coat).

CITIZEN CONCERNS -- none presented

DEPARTMENT REPORTS – none scheduled

APPOINTMENTS

Executive Councilor Candidate Stephen Stepanek 6:15 – 6:45

The 5th District candidate is meeting with boards of selectmen in the District’s 27 towns to outline his background, experience, and interest in the position. The major tasks of the Council are to appoint judges, State commissioners and department heads, and to review and approve state

contracts over \$5,000. Stepanek spoke at length about his interest in local economic development. Selectmen described the Town's interest in marketing the strengths of the town to attract the right businesses to the TIF District. Stepanek believes the Executive Council should help small communities with economic development, and should serve as an advocate for municipalities in their dealings with State government.

Barry Cox, LGC (Non-public – RSA 91-A:3IIb) 6:50 - 7:15 p.m. See **NON-PUBLIC SESSION**.

Eileen Longe and Bill Carson – Old Home Day 7:30 – 8:05 p.m.

Longe presented concerns about timely payments for bands. Fox explained that all new vendors must submit 1099 information, for permanent file. With appropriate documentation, the business office can prepare checks in advance of events. Fox will check on the status of payments, and get back to Longe.

Selectmen discussed how to best manage next year's change from elected to appointed membership in the Old Home Day Committee. To prevent delays in planning for the 2009 Old Home Day (bands, in particular, require long advance booking), Fox recommended accelerating the appointment process, soon to be initiated with posting the Selectmen's notice requesting interested candidates: Current members could resign, and enter their names into the pool of candidates. Selectmen will appoint three people to the Committee. Fox encouraged Old Home Day Committee members to discuss options for transition at their next meeting.

The group talked about the important role of Old Home Day as a focus of community life and tradition. Discussion included ideas for generating more interest in and enthusiasm for the event.

Annette Studebaker – 138 Pine Street (Tax Map 57, Lot 118) 8:07 – 8:48

Studebaker, along with neighbors Bob and Lorraine Goodell, came before the Board to ask for help regarding life safety issues they believe are being generated by Jeffrey Sevene's excavation and construction service business at 138 Pine Street. Studebaker's primary concerns are protection of water quality from contamination by uncontained motor fuels and oils, and blocking public access to Pine Street when the business uses the street for loading and unloading heavy equipment for transport. Studebaker presented these concerns as an abutting business owner; B. Goodell also is concerned about neighborhood safety and preventing contamination of his well water.

Fox explained that the business currently is in the midst of the site plan review. The Planning Board has accepted Sevene's application as complete, has conducted a site visit, and will continue the public hearing at its regular meeting on August 7 to review the site plan. Fox said that the Town's policy is help applicants work through its review processes. The determinations of the process give the Town a standard for measuring and enforcing future compliance.

At the site visit, the Planning Board asked Sevene to present an updated survey of the lot at the August 7 meeting. To gain sufficient time to retain a surveyor and complete the work, it may be necessary for Sevene to request a continuance of his site plan review application.

Studebaker asked whether Sevene would be allowed to continue his business if the Planning Board granted a continuance of his site plan review application. She asked about the possibility of the Board imposing a cease and desist order.

Fox stated that Sevene is in violation because he lacks site plan approval, but is in the process of taking steps to correct the violation. The Town's shutting down the business would start another process, and not necessarily resolve Studebaker's issues. Fox explained that the Selectmen can initiate a cease and desist order, but the standard of proof is fairly high and, even with an emergency injunction, approximately six weeks would elapse before a court appearance. She said that other avenues for enforcement might produce more immediate results: Regarding potential damage to the road from heavy equipment, NH-Department of Safety is responsible for monitoring vehicle weights. NH-DES handles potential water contamination. (Studebaker stated

that she had already notified NH-DES of her concerns.) Fox asked whether DPW Dunham had been asked for his opinion regarding loading and unloading heavy equipment on Pine Street, noting that this practice generally is not uncommon in public rights-of-way. The Police Department responds to a blocked road.

Carlson and Tatro (ex-officio Planning Board member) said that they would attend the August 7 Planning Board meeting. Fox said that she would ask Dunham also to attend the meeting.

NOMINATIONS – none scheduled

CONFIRMATIONS – none scheduled

ENFORCEMENT – none scheduled

PUBLIC HEARING: Reduction of speed limit on Winch Hill Road from 35 mph to 25 mph, as recommended by the Director of the Department of Public Works.

Chairman Carlson opened the public hearing at 7:45, and read the public notice. DPW Director Dunham presented his recommendation that slower speed on the gravel road would reduce washboarding. Posting the lower speed gives the Police Department enforcement power.

The public hearing closed at 7:50.

Motion by Davis to adopt a 25-mile-per-hour speed limit on Winch Hill Road. Second by Tatro. All in favor.

CONSIDERATION OF OLD BUSINESS

Scheduling of site visit to Mill K project

The Board scheduled a site visit for Monday, August 25th at 1 p.m.

Approval of revised invoice to repair 1980 Center Station one ton pick up

The repairs cost \$1,929.91, \$123.21 in excess of the Board's approved estimate of \$1,806.70.

Motion by Tatro to authorize payment of the revised invoice. Second by Davis. All in favor.

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

CONSIDERATION OF NEW BUSINESS

HB 1441 (effective date 8/10/2008)

The bill makes legal the use of the terms “selectwoman” and “selectperson.” At some point, the Board will decide whether they wish to take advantage of this authorization or continue with the term “selectman.”

Cemetery & Parks – Non-public session, RSA 91-A:3IIIb See **NON-PUBLIC SESSION**.

Gocht Variance Application, 46 East Shore Road (Tax Map 45, Lot 12).

On August 19th the Zoning Board of Adjustment is scheduled to consider an application seeking a variance to allow expansion of an existing three-bedroom camp to a structure with five bedrooms. The septic system for the three-bedroom camp currently is located on the Town's Richardson Park property.

According to a summary prepared by Town Planner Carbonneau, a 1980 Town Meeting vote authorized an easement on Town land at Swanzy Lake. The easement was to be used for the construction of a leach field to serve a cottage at Swanzy Lake built by the Gochts. The vote was in response to a Town warrant article prepared by R. Gocht at the recommendation of Selectmen. Nothing in the Town's records explains why the easement was requested or granted.

An approved 1978 septic system (NH-DES Approval # 67953) designed construction to be located entirely on the Gocht lot. The Gocht Shoreland Permit Application (received by the Town

on 6/28/08) shows the current area of encroachment appears to be larger than that granted by the 1980 easement from the Town.

Selectmen discussed the potential implications on Town land of the proposed cottage expansion from three to five bedrooms. The increased building size may result in a change from seasonal to year-round use, thereby generating increased use of the septic system.

Selectmen directed Fox to ask Town Counsel for an opinion as to whether a change in the system results in the requirement for a new easement. Board members agreed that the Gocht's must supply a revised easement showing the actual location of the system. If the system has to be replaced, members felt that it should be constructed on the Gocht property, or at least within in the area specified by the 1980 easement.

Corliss Road Layout & Town Tax Maps (Corliss Road ends at Tax Map 65 Lot 12, and does not continue to Tax Map 65 Lot 7)

Selectmen reviewed a memo from Town Planner Sara Carbonneau reflecting research conducted with the help of John Bridges in response to a citizen query.

At an undetermined time, the Town discontinued the section of Corliss Road past the turnaround on Tax Map 65 Lot 12 that Gratto conveyed by easement to the Town in 1979-80. Carbonneau proposes to correct tax maps to eliminate the extension of Corliss Road past the turnaround to Tax Map 65 Lot 7.

Fox notes that DPW Dunham will need to determine the accurate distance to the turn around. The Town will notify any affected property owners of the adjustment to Town records. The location of the Dunn driveway may need to be adjusted.

Motion by Davis to update Town records to reflect results of research prepared by Carbonneau and field work to be completed by Dunham. Second by Tatro. All in favor.

Proposed conversion of Town Hall e-mail system/server from Novell to Windows Small Business

Fox explained that this major project is necessary because the Novell System (operated by the Town for more than 10 years) is no longer supported by its manufacturer, and is not compatible with software provided by Business Management Systems for Town Hall accounting, motor vehicle, tax collection, etc. Outlying departments will benefit, and the new system will allow more official users to have Town e-mail accounts. A loaner server will minimize down time during conversion of existing data and users' information. All electronic records will be preserved, in case a second conversion effort is required. Scheduled for mid-September, the project will take most of a week. The Town Hall IMS Expendable Trust will fund the estimated materials/professional services budget of \$21,230. The Trust has a balance of approximately \$73,000 (12/31/2007).

Motion by Tatro to authorize Fox to proceed with the conversion, and to withdraw the necessary funds from the Town Hall IMS Expendable Trust account. Second by Davis. All in favor.

CONSENT AGENDA

1. Abatement 2007, Peter Delaney – former VFW.
2. Correspondence Todd Joslyn, payment arrangement & taxes eligible for deeding.
3. Veteran's Tax Credits.
4. Raffle permit 2008-19, MRHS All Sports Boosters Club
5. Event permit 2008-16, Immaculate Heart of Mary School Blueberry Fiddle Festival at Cheshire Fairgrounds.
6. Timber Tax Warrant, \$9,744.60.

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

CONSIDERATION OF MINUTES

Motion by Davis to approve minutes of July 23 and July 28, 2008. Second by Tatro. All in favor.

NON-PUBLIC SESSION

Motion by Tatro at 6:50 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. Barry Cox of Local Government Center was present until 7:15.

Selectmen left non-public session at 7:25 p.m. Motion by Davis to seal the minutes indefinitely. Second by Tatro. All in favor.

OTHER BUSINESS

CodeRed service update

Emergency Management Director Bohannon reported that a system test initiated 3,059 calls; 989 calls failed to connect. Fax machines and automated systems – like those at MRHS – do not connect. Bohannon proposes to encourage locations with automated systems to also establish a cell phone contact number. He explained that the 911 data base includes phone book numbers, as well as certain other lists. Swanzey's CodeRed service lists 3,071 phone numbers.

Bohannon plans to re-test the system in the near future, and asked permission to automatically contact Selectmen each time the system is tested. For security reasons, he will need authorization to download the test system. He also will return to the Board for authorization to sort out fax numbers.

ADJOURNMENT

Motion by Carlson to adjourn; second by Davis. All in favor. The meeting adjourned at 9:50.

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 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.
14. Carpenter Home Properties - Cy Pres or other process. Query to town counsel.