

Selectmen's Meeting – August 9, 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 6:20 p.m.

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

Business News. Fox shared with Selectmen positive business news received from Len Chaloux (Moore Nanotechnologies) who advised that improving economic conditions in their business sector had allowed for the addition of 8 employees since relocation to town the end of 2009. Total employment is now at 50.

Thompson Bridge Closure. Word from the bridge contractor is that the town should anticipate closure of the bridge to vehicle and pedestrian traffic August 23. Dam removal efforts, beginning with drawdown, are also expected to be initiated that date too. A CodeRED notification of area resident reminding them of the bridge closure is expect to occur the weekend prior to bridge closure.

Richardson Park. Selectmen were updated on water testing results and advised that additional testing was scheduled.

Authorization to implement East Hill Grant installing range hood at Brown Field.

Selectmen authorized proceeding with the low quote contractors for this grant funded project: Melanson \$3,869; Guyette Fire Protection \$2,100 and Amer Electric \$800.

Old Home Day Committee. Selectmen met with committee members Bill Carson and Kathy Habiby who reviewed the success of the 2010 celebration. Plans for Old Home Day 2011 have begun and the committee shared with Selectmen its long term goal of making the event self-supporting. This year the activity generated approximately \$735 and members asked to be able to direct that unanticipated income toward expenses for 2011. Accounting mechanisms, such as a revolving fund which would allow income to be carried forward from year to year, were discussed. In the short term, while the committee works toward its goal of making the event more self-sustaining, Selectmen can authorize accepting and expending income it generates for purposes related to Old Home Day. Such authorization would allow items for next year's celebration to be purchased in advance. Committee members advised they intended to continue to focus the event's theme on celebrating Swanzey recommending Selectmen mark their calendars for Old Home Day 2011 – set for July 16th. Selectmen voted to authorize, pursuant to RSA 31:95-b, expending (during 2010) of income generated by Old Home Day toward the 2011 event. This vote will allow committee members to expend the \$735 (plus any additional funds received over the next few weeks) as well as funds remaining in the appropriation from the town toward the 2011 event. Selectmen received from the Old Home Day Committee a letter expressing thanks for the support provided by the community, town officials and staff.

Public Hearing – Highway Regulation, Stop signs for several roads intersecting Pasture Road. Chairman Carlson called the public hearing to order at 6:50 p.m. reading the public notice provided. Several members of the public including the Larry and Linda Trudelle (Pasture Road) and Police Chief Rich Busick were present. Mr. & Mrs. Trudelle spoke in support of installing stop signs for traffic at the Pasture Road/Wilson Pond Road and Pasture Road/Lake Shore Drive (north end) as well as Wilson Pond Road/Lake Shore Drive (south end). Chief Busick also

supported the addition of stop signs at those locations requiring travelers approaching Pasture Road from Wilson Pond Road or Lake Shore Drive to stop and travelers approaching Wilson Pond Road from Lake Shore Drive to stop. Testimony that more children are now living in the area and the increased speed attributed in part to improved road conditions was received. Chief Busick advised if the Selectmen were to adopt the proposed traffic regulations the department would during the first few weeks be likely to issue warnings to travelers allowing them to gain an awareness of the additional regulations. Chairman Carlson closed the public hearing at 7:00 p.m.

Adoption of Highway Regulations. Selectmen voted to adopt the attached highway regulation authorizing the installation of 3 additional stop signs in the Wilson Pond neighborhood as described in Attachment #1.

Home Occupation Application, Leonido C. Garcia – 14 Park Street, Tax Map 18 Lot 201. Selectmen considered an application received from Mr. Garcia August 8, 2010 seeking to establish an office of less than 300 square feet in his residence for his business which facilitates shipping of personal items for families between the United States and Philippines. Selectmen approved the use, described in the 8/8/2010 application, as qualifying as a home occupation authorizing Chairman Carlson to sign the application indicating approval of the use on behalf of the board.

Economic Development Advisory Committee. Selectmen considered an application received from David Krisch for the vacancy on the committee voting to appoint David Krisch to serve on the group for a three year term ending September 24, 2013.

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 and Bill Hutwelker to provide an opportunity for Mr. Bergeron present some additional information to Selectmen. He reported on additional research related to the applicant's request supporting the parcel's access status as that of a private road. Bergeron reviewed RSA 229:1, the fact that Harper's lot was likely developed in the 1930's (per assessment card) and that the "road" was used to access the house since that time as factors supporting its status as a road per RSA 229:1. He maintained that the "road" leading to the property now occupied by Harper's could be used by the public and not just by abutting residents as supported its status as a road instead of a driveway. In addition, Bergeron provided a copy of an application to building on Lot 13 approved by the ZBA in 1976. Selectmen noted that approval was good for a limited period of time in accordance with the terms contained in the approval and had not been acted upon. Bergeron re-iterated the applicants request for permission to apply for a building permit for the lot which has frontage that is not class V or better. He also provided some information about a case that related to access for logging purposes advising that the road also appeared on the town's tax map and on USGS maps providing further evidence of its dedication and use by the public. Selectmen requested staff seek an opinion from town counsel. Hutwelker expressed the view that the situation presented the application for permission to build pursuant to RSA 674:41I(d) was unique and will not occur again in the town. Bergeron also advised Selectmen that he felt that authority provided by RSA 231:15 would allow them to get rid of paper streets.

Land Use Change Tax Penalties – Woodland Heights Drive and Cobble Hill Road. Selectmen reviewed land sales in Swanzeey and area communities discussing market value at the time of transfer for each lot and factors to be considered in determining market value. Selectmen established a market value (as of the date of the change – 6/25/2010) for Tax Map 82 Lot 3-2 of \$55,000. Selectmen established a market value (as of the date of the change – 7/1/2010) for Tax

Map 14 Lot 4-21 of \$60,000. Selectmen requested staff prepare the paperwork necessary to issue these bills for inclusion in the board's consent agenda on 8/17/2010.

NHMA Legislative Policy Conference. Selectmen reviewed the information packet from NHMA dated 6/30/2010 advising they were supportive all the policy positions proposed excluding that which supported substitution of electronic notification for newspaper publication. They are supportive of permitting electronic notification as an additional means of public notice but not in lieu of newspaper publication. Selectmen appointed Chairman Nancy Carlson to represent the board at the September 17th policy conference.

Cheshire TV Agreement. Selectmen were provided with feedback from Town Counsel regarding modifications to the draft agreement. Selectmen requested additional time to review, prior to discussion, the feedback received.

PSNH Smart Start Program. Selectmen deferred consideration to provide additional opportunity for review.

Vacation Leave Request – Police Department. Selectmen considered an employee's request for to take 5 consecutive weeks of vacation leave supported by Chief Busick. Selectmen voted to allow the employee to utilize 5 consecutive weeks of vacation leave provided the continuous absence does not impact the department's capacity to provide service to residents.

Lifefinder Films. Selectmen reviewed correspondence from Ted Reilly on behalf of Lifefinder Films seeking to film in town and at the Town's Richardson Park property in September. Selectmen supported seeking additional information regarding what support the request specifically what would be required from the town, how it might impact neighbors, theme and content proposed for the film. Selectmen also requested Lifelinder's request to shared with town department for their feedback. Fox will follow up with representatives of Lifefinder Films to obtain additional information.

Correspondence from Ed Jacobs received 7/25/2010. Selectmen discussed correspondence received from Ed Jacobs seeking to re-establish use of the "cottage" as a second residence on his property at 195 Westport Village Road (Tax Map 70 Lot 40). Members requested correspondence be prepared advising that re-establishing the cottage as a residence was not a matter falling within the purview of the Board of Selectmen. More information regarding his right of way concerns also needs to be provided to allow a determination of whether meeting to discuss it is required.

Status of Perry Lane. Research related to this road's status (constructed in 1985 or 1986) indicates an absence in town records of either layout by Selectmen, acceptance by Town Meeting or dedication and acceptance as a dedicated street by Selectmen. Since the town has been maintaining it and all parties believed it was a public street, town counsel recommends that the record deficiency be cured by Selectmen considering taking action to accept this dedicated street pursuant to RSA 674:40-a. Selectmen agreed requesting staff schedule the required hearing and advise the condo association of the town's plans to address the deficiency in the record.

Invoice to repair Ladder Truck – NE Fire Equipment & Apparatus, \$822.39 (6/2/2010). Selectmen approved applying this invoice to the credit balance established with the vendor last year thru sale/transfer of 2 of the town's fire trucks.

Fire Department. Selectmen accepted \$5 coupon for Papagallos received by Fire Department authorizing Chief Skantze to distribute it to a department member through a drawing or other similar means at a department training session.

Consent Agenda. Selectmen approved the following consent agenda items:

- Accepting and expending pursuant to RSA 31:95-b donations from Old Home Day - \$575.50. Authorization to expend pursuant to RSA 31:95-b \$160 accepted on 7/27/2010 was also granted.
- Request to DRA for inventory forms for Tax Year 2011.
- Acceptance of resignation – Officer Yarosz effective 8/12/2010.

Non-public session – RSA 91-A:3IIa & c, Department of Public Works. Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIa & c at 8:55 p.m. Selectmen came out of non-public session at 8:57 p.m. voting by roll call to seal the minutes of the session indefinitely.

Pending Litigation – Sevene/Cournoyer Judgment. Selectmen requested town counsel outline options to compel payment of the judgment awarded and provide recommendations to address the plantings required to bring the site into site plan compliance. It was noted that Sevene/Cournoyer had not responded to the Board’s request for corrective action plan.

Minutes of Meeting of July 27, 2010. Selectmen reviewed and approved as written the minutes of their public and non-public sessions of the board’s July 27th meeting.

Meeting adjourned at 9:00 p.m.

Submitted by,

Elizabeth A. Fox
Town Administrator