

Selectmen's Meeting – June 17, 2009

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

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

Department Reports

Police Department Quarterly Report. Selectmen acknowledge receipt by email of the department's quarterly report dated June 15, 2009.

Department of Public Works. Selectmen acknowledge receipt by email of weekly activity reports for the period ending 6/12 and expected work the week of 6/15.

Selectmen were advised that DPW Director Lee Dunham had responded to the High School's request for a street sign and told them he would be ordering one for them (as they had requested) next time he ordered street signs.

Recycling Center – Tire Amnesty Day. Data from Recycling Center reports receipt of 168 tires were receipted under the program. An additional 44 were turned in and disposal fees requiring payment under the town's regular fee schedule.

Vermont Yankee Drill, June 10th. Favorable feedback from federal regulators was received and acknowledge by the board. EMD Bohannon and DEMD Fortner expressed thanks to the town's officials and departments who continue to support the town's emergency preparedness efforts.

Old Business

Ordinances suggested by Chief Busick pertaining to noise and drug paraphernalia. Selectmen discussed the draft ordinances received from Chief Busick. Selectmen requested the Chief prepare a memo detailing for board members some of the specific problems he thought they might address if adopted; provide some information (based on prior calls for service or department activity) of how frequently they might be utilized by officers; whether additional equipment would be required by the department to implement either of the ordinances; what additional training of personnel might be required and relative to the proposed noise ordinance some detail regarding how noise might be measured.

Accounts Payable Process. Selectmen reviewed a draft policy detailing and describing the processes and requirements of the town pertaining to accounts payables. Several suggestions were made by board members and a revised draft will be presented at a future meeting.

Planning Board Department Review Process adopted March 2009. With almost 3 months activity under the new policy, information outlining responses to date was provided to board members. Selectmen requested that information be shared with all departments included in the process and expressed hope that as experience was gained working under policy, responses would improve.

Land Use Change Tax Penalties – Still Brothers LLC. Selectmen reviewed and discussed the information provided by Still Brothers LLC including some land sale data and portions of appraisals completed for several of the homes under construction or

completed that are now under contract. The land sale information seemed dated (2006) in the home appraisal. Selectmen advised they were not persuaded by the data package received from developers that the land use change tax penalties assessed for lots within the subdivision were not reflective of the current market value of house lots in the town.

New Business.

Assessment Update 2009. Staff updated board members on the project's status and reviewed a proposed press release meant to inform the community of the project now underway. Selectmen approved the press release authorizing its issuance to media outlets, the town's web site and citizens.

Tax Deed – 140 Warmac Road, Tax Map 29 Lot 3-3. In light of non-payment by either the property owner or any other parties identified as having a legal interest in the real estate, Selectmen voted to accept a tax deed to property of Randall P. Fish and Lorenda S. Duquette (CCRD 1515/898) including land and a manufactured home identified in town records as 140 Warmac Road. Selectmen expressed desire to dispose of this tax deed property in an expedient manner executing, pursuant to RSA 80:89 to the property owner(s) and any persons to who notice of impending tax deed was provided under RSA 80:77, notice of opportunity to repurchase and the town's intent to offer the property for sale – Attachment #1. Staff was authorized, if required, to instruct town counsel to take legal steps necessary to evict occupants (if any) of the property and to make arrangements as expeditiously as possible to secure the manufactured home on the property.

Surplus Municipal Grounds Maintenance Equipment - 2810 Cub Cadet Lawn Tractor. Selectmen opened the bids received with the following results: Jerry A. Walker, \$127.83, Bruce Fox \$201, Mike Faulkner \$205, Ronald Bedaw \$211. Selectmen awarded the bid to Ronald Bedaw at \$211.

Public Hearings

RSA 31:95-b, Testimony regarding accepting and expending the following funds pursuant to RSA 31:95-b. Chairman Davis called to order at 7:30 p.m. a public hearing to accept testimony regarding accepting and expending, pursuant to RSA 31:95-b, the following funds:

- ARRA related funding (\$300,000), NH DOT Municipal Bridge Aid and a grant (thru NHDOT) awarded under the National Covered Bridge Preservation Program (\$344,000) to be utilized to secure the center pier and abutments as well as install scour countermeasures protecting the bridge.
- Funding from NHDES covering all costs incurred as Project Manager attributable to removal of the Homestead Dam and restoration of the river (to be contracted jointly with the above bridge work).
- Funds reimbursing the towns for costs associated (estimated at \$20,000) for repair of damage to the town's sewer line on Page Court caused by drilling of a monitoring well and the costs to clean debris in the lines and treat additional water related to this incident.

Sewer Commissioners provided additional detail regarding the damage done to the line, efforts to repair and the costs associated with it. Steve Bragdon, who had the well drilled as part of a site assessment of Tax Map 19 Lot 97-3, has admitted to commissioners he is responsible for the damage. Commissioners recommended the town

consider establishment of an excavation permit (in the hopes of avoiding future incidents) with Commissioner Crowder offering to assist town staff in development of the forms and process associated with such a permit. A target implementation date for such an excavation permit system of fall of 2009 was set.

Town Administrator Fox reviewed for board members and the public the mix of funding sources and the funding required by the town for the installation of scour countermeasures to protect the bridge. Project expenses under state bridge aid and the Covered Bridge Preservation grant will require match from the town (80/20%) with the town bearing 20% of the cost. ARRA related funds for the project can be used toward construction and will fund 100% up to \$300,000. The fire suppression system planned for the bridge will be funded 80/20 with the state thru the municipal bridge aid program.

Discussions are still ongoing regarding contract management and whether to facilitate coordination of the dam removal, river reconstruction, pier stabilization and installation of scour countermeasures the town will serve as project manager and fiscal agent for these 2 projects. If agreement to do so can be reached, NHDES will remit to the town for payment to the project contract 100% of the costs associated with this work.

Chairman Davis closed the public hearing at 7:45 p.m. Selectmen voted by roll call to accept and expend, pursuant to RSA 31:950b, funds from the sources indicated for the purposes detailed above associated for these 3 projects.

Consideration of Amendments to the Building Permit Fee Schedule. Chairman Davis called to order at 7:46 p.m. a public hearing to accept testimony regarding the town's building permit fee schedule and amendments proposed to it including an increase in the minimum fee for a new dwelling unit (one & two family structures), establishment of an oil burner permit fee, clarification related to mechanical permits generally being classified as minimum fee permits and establishment of a re-inspection fee. No testimony was received. The hearing was closed at 7:50 p.m. Selectmen voted to adopt the building permit fee schedule revisions establishing for permit applications received after 6/26 the fee schedule detailed in Attachment #2.

Emergency Lane (RSA 231:59-a) – Private road running from Safford Drive to the Cheshire Fairgrounds and Route 12. Chairman Davis called to order the public hearing at 8:00 p.m. Present were Police Chief Rich Busick, Fire Chief Norm Skantze and EMD Bruce Bohannon. The purpose of the hearing was to accept public testimony regarding designating this private way as an emergency lane. To be designated as an emergency lane, Selectmen must find that the public need to keep the lane passable for emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane. Designation of this private way as an emergency lane has been proposed by the Town's Public Safety agencies to increase options for emergency response to the Cheshire Fairgrounds during large events. Designation as an emergency lane under this statute will allow minor work, such as tree cutting and placing of aggregate materials, to accommodate emergency responder vehicles to be accomplished utilizing town resources.

Public Safety Department leaders reviewed their desire to open the private road as a means of alternate access for emergency responders. The concrete blocks would be moved out of the way for the Cheshire Fair, but the gates would remain closed so that the right of way would not be easily accessible to the public. Generally access to the private road would be restricted, unless needed as an evacuation route. It might also serve as a

path to lay hose and provide water supply to an incident that might occur at the Fairgrounds. To ensure that the private road is usable, some birches need to be cut and its utility could be improved with a load of gravel in one section. Correspondence from the CFA, dated 6/17/2009, as an emergency way for events where Swanzey emergency personnel are on detail was read into the record.

Chairman Davis closed the public hearing at 8:15 p.m. Selectman Tatro motioned to designate as an emergency lane, pursuant to RSA 231:59-a, the private road running from Safford Drive to the Cheshire Fairgrounds. Vote: All in favor.

Fire Department. Selectmen authorized a purchase order dated 6/3/2009 to Bound Tree Medical in the amount of \$ 1,256.40.

2009 Cheshire Fair. Chiefs Skantze, Busick and EMD Bohannon advised they had identified a need for an increased presence on the part of the town's public safety services at the annual fair. They are developing a plan that will use the event as a training opportunity for town personnel and outside agencies such as Mutual Aid and the Sheriff's Department. Resources, such as the command trailer from State Police, will also be involved in the safety plan for the annual fair.

Display of Flags. Selectman Carlson proposed expanding display of flags along Route 32 (now done for Old Home Day) to include Memorial Day, Flag Day and the 4th of July. She indicated that it was her understanding that the Old Home Day Committee had purchased 6 flags for this purpose and planned to purchase 6 more this year. Cemetery, Parks and Facility Maintenance personnel had indicated to her they could put the flags up for these patriotic events. Fox advised it was her understanding that permission would be required from the pole owner to place upon it a flag or banner. She will conduct some research into the matter and report back to the Board.

Non-public session – RSA 91-A:3IIe, Pending Litigation. Selectmen voted unanimously by roll call at 8:40 p.m. to go into non-public session pursuant to RSA 91-A:3IIe to consider pending litigation. Selectmen came out of non-public session at 8:54 p.m. voting unanimously by roll call to seal the minutes of the session indefinitely.

Non-public session – RSA 91-A:3IIb, Hiring. Selectmen voted unanimously by roll call at 8:55 p.m. to go into non-public session pursuant to RSA 91-A:3IIe. Selectmen came out of non-public session at 9:20 p.m. Selectmen voted unanimously by roll call to seal the minutes of the session indefinitely.

Non-public session – RSA 91-A:3IIa, Personnel. Selectmen voted unanimously by roll call at 9:21 p.m. to go into non-public session. Selectmen came out of non-public session at 9:35 p.m. voting by roll call unanimously to seal the minutes of the session indefinitely.

Upcoming Meetings. Selectmen reviewed the July meeting schedule and need to meet with the Fire Chief to address filling of officer's positions within the Fire Department. Initially an end of June deadline had been set to resolve the matter. Selectman Carlson reported that she will be unable to attend the July 1 board meeting. Members felt a full

board should participate in discussion of the personnel requirements of the department requesting staff advised Chief Skantze that they wished to meet with him on July 8th.

Consent Agenda. Selectmen reviewed and approved the following:

- Current Use Application – Tindell, 406 Eaton Road, Tax Map 58 Lot 8.
- Letter to A. & E. Brnger, Order on Petition for Contempt dated 12/9/2008.
- Event Permit #2009-11.

Consideration of Minutes of Previous Meetings. Selectmen reviewed and approved as written the public (and non-public if appropriate) minutes of their meetings of May 13th, June 3 and June 10, 2009.

Discretionary Preservation Easement. Selectmen were advised that an application for a preservation easement pursuant to RSA 79-D had been received. As required by statute, a public hearing is required to accept testimony regarding the application. That hearing has been tentatively schedule for 7/15.

Meeting adjourned at 10:05 p.m.

Submitted by,

Elizabeth A. Fox
Town Administrator