

## SELECTMEN'S MEETING – JUNE 11, 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

Fire Department The 2008 Pierce Contender has been delivered to East Station. Personnel are equipping the truck and will soon register it; training will be scheduled in July. Board members reviewed the Department's call log data from 1999 through 2007.

Fire Chief recruitment An advertisement for the position appeared in the *Keene Sentinel* and Sunday's *Union Leader*. Board members received a copy of an ad placed by the Town of Meredith in January, as well as a notice of appointment of a new chief that appeared in last week's paper.

Fox proposed celebrating the swearing in of the new chief with an employee picnic, possibly in late August or early September.

Ronald E. Gocht Appeal – NH Water Council Town counsel Attorney Fernald did not recommend that either she or a staff member attend the June 9 pre-hearing conference.

Budget Report – May 2008. The total budget is currently running at an acceptable percentage. However, heating fuel is in the negative in the GA account: A little over 11% remains at the Carpenter Home, and between 19% and 35% remains in other department budgets (Town Hall, PD, EM, FD & DPW).

Vehicle fuel accounts are low, particularly where vehicles are fueled by diesel (i.e. DPW, with 27% remaining). The budget for DPW vehicle repairs has been overspent, and Fire and Police Department repairs are running well ahead of trend. Board members raised the issue of revisiting the Town's policy regarding personal use of Town (continuous use) vehicles. The Police Department has aggressively been working to cut fuel use.

Less than 55% remains in General Assistance, and costs of basic services are escalating. Increased requests for services are likely.

Mill K project (Tax Map 38 Lots 22 & 23) Jim Phippard reports that fill removal will begin June 5; the entire project should be loamed and hydro-seeded by July 3. Remaining plants will be installed as soon as feasible, but may be delayed until Spring 2009 when native stock again becomes available. If stock becomes available this fall, it will be planted then.

Board members discussed obtaining security to ensure that trees are planted and viable, or holding back the easement until trees are planted and established. The Board will return to the question at a later date, if necessary.

### CITIZEN CONCERNS

None presented.

### APPOINTMENTS

7:30 Atkinson Hill Road (Class VI portion)

See CONSIDERATION OF NEW BUSINESS - Atkinson Hill Road (Class VI portion)

### **DEPARTMENT REPORTS**

6:30 Solid Waste Manager David Krisch

See PUBLIC HEARING - Swanzey Recycling Center Ordinance.

See CONSIDERATION OF NEW BUSINESS Disposal of old playground materials from Mt. Caesar

7:00 DPW Director Lee Dunham

See CONSIDERATION OF OLD BUSINESS - DPW one ton truck accessory bids; Disposition of 1997 DPW one ton diesel pickup truck; Carlton Road Extension; Pending subdivision roads; Follow-up: 1/30/08 letter to Dunham

### **NOMINATIONS**

Cool Monadnock & Recreation Committee -- still pending

### **CONFIRMATIONS**

None.

### **ENFORCEMENT**

None.

**PUBLIC HEARING** regarding proposed revisions to the Swanzey Recycling Center fee schedule, and amendment to the Recycling Center Ordinance

Chairman Carlson opened the public hearing at 6:30. No members of the public were present.

Solid Waste Manager Krisch presented the proposed revisions to the fee schedule, and explained their rationale.

Krisch recommended that the Board not accept the proposed amendment to the ordinance, to maximize the Center's flexibility both with commercial/industrial waste and with residential waste. The Town accomplishes the same result by exercising its option to deny materials, so long as it can recommend an alternative disposal site.

Chairman Carlson closed the public hearing at 6:40.

**Motion** by Tatro to adopt the revised Swanzey Recycling Center fee schedule (Attachment #1) as presented. Second by Davis. All in favor.

### **CONSIDERATION OF OLD BUSINESS**

DPW one ton truck accessory bids

Board members reviewed with DPW Director Dunham three bids for the F550 body, plow and sander. One bid met the requested specifications. Funds in the Capital Reserve account are sufficient to cover the \$31,141 bid price.

**Motion** by Tatro to accept the Howard P Fairfield LLC bid for the F550 body, plow, and sander per the bid dated 5/27/08. Second by Davis. All in favor.

Disposition of 1997 DPW one ton diesel pickup truck, estimated mileage 121 K

Dunham reported that the truck is out of service. Moving of necessary equipment such as radios amongst the trucks is underway. The vehicle (with 112K) is no longer required by the Public Works Department.

Board members discussed whether the Fire Department could use the truck as a brush truck. Carlson recommended asking the Fire Department to assess what they have and need, and consider whether they could put the truck to use, what it would cost to convert it to that

department's use and how that conversion might be funded. That assessment by the Fire Department should be complete so that disposition of the 1997 Ford can be further considered by Selectmen on June 25, 2008. In the meantime, the Town will maintain the truck's insurance and registration, but the truck will not be operated.

**Motion** by Tatro to put on hold until the board's meeting on June 25<sup>th</sup> the disposition of the 1997 DPW one ton pickup truck to allow the Fire Department an opportunity to assess whether it can use the truck. Second by Davis. All in favor.

#### Carlton Road Extension

Dunham has reviewed plans and specifications for the three repair options. He has yet to receive comment from NH-DOT, which may require additional revisions. The State is involved because Carlton Road Extension intersects with South Road; a pre-bid joint meeting is required as part of the bid specification prepared. Dunham recommends construction monitoring for the project be performed by Underwood. Whether FEMA would participate sharing the costs for monitoring was discussed with Selectmen requesting that be determined before entering into an agreement for such services.

**Motion** by Davis to authorize staff to proceed to put the project out to bid, if NH-DOT approves the plans. Second by Tatro. All in favor.

#### Pending subdivision roads

Dunham reviewed the status of pending subdivision roads.

Kendall Lane is scheduled for top-coating before July 1, under the letter of credit and agreement between the Town and developers. Dunham reported that the pavement is sound, and has not cracked after two winters. He has authorized developers to place the final top coat prior to July 1.

Owens Drive security (pending to ensure adequacy of road and drainage construction) is scheduled to expire July 1, 2008. Dunham reported that, due to insufficient compaction of the road's shoulder, the west edge has cracked along the first 100 feet, with some cracks extending further out. \$15,000 remains in the letter of credit. Board members questioned whether the requested amount of security was adequate for the necessary repairs. Dunham will be in contact with Koch about his willingness to take corrective action, and will report back to the Board by June 25.

The letter of credit held as security for roads within and associated with the Woodland Heights Subdivision expires in October 2008. Remaining steps includes final work on CL Lane (initial class V portion), and top-coating of all of CL Lane and the new section of Woodland Heights Drive. Dunham has been following up with the electric and telephone companies to encourage prompt completion of their work, to allow the work pending on the initial class V portion of CL Lane to be complete within a time frame that allows for some settling prior to top-coating.

#### Follow-up: 1/30/08 letter to DPW Director Dunham

Board members and Dunham discussed the DPW summer work plan, including the paving work plan; how these plans have been affected by unanticipated overspending; and how to reorganize work to make up for shortfalls.

Dunham presented his estimate that the DPW will need \$74,100 to manage the November-December storm season. His calculations incorporate large increases in the cost of diesel fuel and road salt, increased costs of hauling sand, and the fact that the previous winter exhausted stockpiled materials. Dunham anticipates using road reclamation funds to make up the shortfall.

Priority roads for chip sealing include Foxglove Lane, Partridgeberry Lane, Warmac Road, and Westport Village Road. Foxglove, Partridgeberry and Warmac all received cold mix shim in 2005 or 2006. Mill Lane, which had been on the list to be chip sealed in 2008, could be postponed until 2009, because it is less heavily traveled than Westport Village Road. Selectmen approved

proceeding to shim (as needed) and chip seal Foxglove Lane, Partridgeberry Lane, Westport Village Road (town maintained portion) and Warmac Road authorizing expenditure of up to \$80,000 of the asphalt and cold patch line item in the DPW budget for these projects.

Dunham recommends postponing Main Street reconstruction initially planned for 2008 until after the Homestead Woolen Mill Dam and Thompson Bridge Pier & Abutment Stabilization plans are closer to implementation (now expected to be complete in 2009). Top coat paving of Webber Hill Road (reclaimed and reconstructed in 2007) should be postponed and done in conjunction with top coat paving of Carlton Road Extension when it reconstructed in conjunction with work done with the funding assistance of FEMA and the State (as a result of the April 2007 flooding event). Work on Carlton Road Extension is expected to be complete in 2008 and its top coat would be placed after a winter cycle (in 2009). It is expected that much of the balance of funds (excluding those authorized by the board for shim and chip sealing work) in the asphalt line item need to be reserved for winter maintenance (November/December).

Board members and Dunham discussed delegating some administration, to allow Dunham more time to manage other aspects of his duties. Tatro proposed that foremen use a record sheet to document hours spent by individuals on specific projects; such reporting also would help compile costs per project. Board members suggested increasing efficiencies by scheduling work geographically – addressing work by location rather than by type of task.

#### Ice Pond Dam

Town counsel Attorney Sam Bradley has determined that the State, rather than Swanzeey, owns the Ice Pond Dam. Therefore, he recommends the Town decline executing the Intent to Repair. Board members noted that the Town will need to further explore the implications of State ownership of the dam.

### **CONSIDERATION OF NEW BUSINESS**

#### Disposal of old playground materials from Mt. Caesar

The Playground Committee approached Selectman Carlson seeking permission to dispose of the old playground at the Recycling Center at no charge. The Recycling Center does not accept loads larger than a one-ton dump truck.

Krisch calculates the volume of material at about 30 tons. Because the wood is treated, it qualifies a contaminated material. Options include disposal at Keene (\$120/ton) and possible acceptance by Monadnock Disposal (about \$85/ton).

Krisch offered to administer the disposal, so long as the Town agrees not to take possession of the material. (As a policy, Krisch advised the Board never to allow the Town to take possession of contaminated materials.) Krisch expects that the final disposal bill will be in the range of \$3,500 to \$4,000.

**Motion** by Tatro to offer Krisch's services to the Mt. Caesar Playground Committee to facilitate removal and disposal of the former playground material, with the understanding that the Town will not take possession of the material and will not accept it at the Recycling Center. Second by Davis. All in favor.

#### Fireworks ordinances

Board members reviewed two approaches to regulating fireworks developed by Chiefs Busick and Symonds, and recommended that the Town adopt the first approach: to prohibit the sale, purchase, or use of all fireworks in the Town, except for professional operators with a Class B license from the State and satisfactory liability insurance coverage. This approach is consistent with prior policy.

#### Current Use values 2008

State-set base values are virtually unchanged from 2007 after application of the updated assessment ratio as the Town's equalization ratio has changed less than .5 percent from 2007 to 2008. According to staff analysis, updating the values in the tax system (consuming almost two weeks of staff time) will likely not be worth the less than \$450 in additional taxes generated expected to result from the small changes in per acre values. Instead, staff recommends devoting this time to "cleaning up" the tax and assessing databases in preparation for the 2009 town-wide value update.

**Motion** by Davis to continue with 2007 Current Use values as shown in Attachment #2 until the 2009 town-wide value update. Second by Tatro. All in favor.

#### Land Use Change tax

.42 acres Symonds (Warmac Road) & 2.9 acres Lane Construction.

Deferred until a later meeting.

#### Atkinson Hill Road (Class VI portion)

The discussion began at 7:30. Present were Paul Mulcahey (Henniker), Jeremy Turner (general manager, Meadowsend Timberlands), Mike Gomarlo (Cram Hill Road), Richard and Barbara Pullen (Atkinson Hill Road), Kathy and Richard Mecheski (Franklin Mountain Crossing); DPW Director Lee Dunham.

Dunham presented a history of Atkinson Hill Road upgrades relative to the Mulcahey logging operation.

In April 2008 Mulcahey met with Dunham to discuss gaining access to his property to log the land. On May 2, 2008, Mulcahey, Dunham, and forester Wayne Young inspected the Class VI portion of Atkinson Hill Road. They observed water running down the center of the road, which was passable only by four-wheel drive vehicles. Previous logging operations had bulldozed through the road embankment to allow water to escape.

Dunham, who had been out of town during May, received reports that truck traffic was larger than expected. He asked Mulcahey to cease operation until the Selectmen could respond.

In 2002 Mulcahey conducted a logging operation in Chesterfield, with upgrades to a Class VI road that created Town-appreciated fire department access to a remote area. The Chesterfield road agent told Dunham that Mulcahey "did what was asked of him."

Dunham explained that the modifications were not made to a town-maintained road. Generally speaking, over time, roads "sink" and function as ditches. To prevent damage from erosion, it is necessary to build up the center of roadbeds and divert water to the sides of roads.

Gomarlo: Logging trucks from the operation are using Cram Hill Road, and have parked along the edge of the road, causing damage – a 6" drop -- to the shoulders. Logging truck drivers find it necessary to raise the utility wires serving his house with a forked stick, stuck in his stone wall, to accommodate the height of their trucks. If it is necessary for the operation to use Cram Hill Road, they should be responsible for correcting the low wires.

Citizens want to keep the town rural, and have been asked to donate conservation easements for that purpose. Widening Atkinson Hill Road to 20' wide is not "rural."

Other previous logging operations in the area have never caused such problems.

Dunham: Wires are required to be 17' off the ground, and the electric or phone company has the responsibility to ensure that they are.

Mulcahey: Drivers are using Cram Hill Road because its intersection allows a safer turn.

R. Pullen: According to a memo from his attorney, no private work on highways can be done without written permission from the Board or its delegated road agent.

He accepts logging, and agrees that the road requires improvement. The scale and magnitude of improvements is his concern, shared by others. Why is this scale necessary?

Mulcahey had represented to the Pullens that the project would make the road behind their house “a little bit wider” and result in “a small ditch” on the north side of the road.

Before the operation, Atkinson Hill Road had a 13’ roadbed and 6” ditches. Now the roadbed is 20’ wide with 3’ ditches on each side. An antique stone wall was undercut and in peril of collapse (fill has been replaced to protect it). Remnants of a stone wall on the north bank have been eliminated. The steep banking has made several former points of access into the Pullen’s property impassible, and will suffer erosion after heavy downpours. The 33’ right-of-way has been cleared to as much as 39’ in some places. The extent of work seems unnecessary for a supposedly simple logging operation. Each previous operation had made some road repairs. This operation has had two dump trucks running all day to build up the roadbed.

Pullen requests that the Board conduct a site visit. He also requested that Mulcahey be required to

1. Restore the north bank of the ditch to within the 33’ right-of-way
2. Reduce the pitch of the north bank to lessen the potential for erosion (possibly requiring a reduction of the road bed width)
3. Post a bond to ensure completion of these repairs.

B. Pullen: The bottom of the ditch now is 16” below the culvert bottom. Mulcahey said the road would be “a little wider” than 11’. What will be done to put restore the 33’ right-of-way? The Pullens are not donating their land to the operation.

Mulcahey: Road construction projects are “horrifying,” and he empathizes with neighbors.

However, his 1,000 acres of woods are stranded. Owners of woodlots should have the right to get to their timber. Forestry creates short-term disruption, but much time elapses between treatments.

Mulcahey explored gaining access from the Winchester end, but wetlands impacts and slope issues made that option untenable. Due to slope and erosion, the section of Atkinson Hill Road under discussion is the most difficult; for the rest of the distance, it will be possible to stay within the right-of-way with a simple road that will drain properly.

Mulcahey’s policy is to install access roads that are useful for multiple years. Little roads get washed out, and best management practices require installation of culverts at given distances along the road length.

Turner: As a 6<sup>th</sup> generation in forest management, he has observed constant changes in forestry practices and in the scale of forestry machinery. The wood business is no longer local – markets now are 30 to 100 miles distant. Logging requires a large volume of freight to justify activity. The rural nature of towns is heavily dependent on open space sustainably managed for forest products.

Pullen: (in response to Tatro) Logs from the Pullen’s right-of-way land have been set aside for the Pullens, and they will be paid for chips.

Mulcahey: The right-of-way has been seeded, and its banks will be stabilized quickly. They were unaware that they had gone beyond the right-of-way when they cleared.

R. Machesky: With proper supervision, these problems would never have happened.

K. Machesky: She has no problem with the road.

Photos of the road (provided on CD by Mulcahey) were viewed by Selectmen. Copies of the photos were saved to the town's laptop.

The Board scheduled a site visit for Monday, June 16 at 10:00 a.m. Board members will meet at the Pullen's front yard. The agenda item concluded at 8:20.

DPW - HSB work schedule

Dunham would like to adjust the highway divisions work hours to 7:00 a.m. to 3:00 p.m. The change requires a policy revision. The Board deferred this item to a later meeting.

Upcoming meeting calendar – July, August

June 25: meeting to include a kick-off of the Fire Recruitment Advisory Committee

July 2: business meeting

July 9: meet with Local Government Center

July 16: business meeting

August 6, 13, 27: likely meeting dates

Other matters

**Motion** by Tatro to authorize the Chair to sign the Page Homestead Senior Housing CDBG Grant #08-048-CDPF". Second by Davis. All in favor.

**CONSIDERATION OF MINUTES**

**Motion** by Tatro to approve the minutes of June 4, 2008. Second by Davis. All in favor.

**CONSENT AGENDA**

1. Acknowledgement of receipt of list of unlicensed dogs from Town Clerk Deirdre Geer scheduled to be issued civil forfeitures if not licenses in the very near future.
2. Letter to G. Canfield, re: building code issues.
3. Event Permit #2008-13.
4. Letter to NHDES responding to Letter of Deficiency issued concerning the Ice Pond Dam conveying information regarding its proper owner, the State of New Hampshire.

**Motion** by Davis to approve the consent agenda. Second by Tatro. All in favor.

**NON-PUBLIC SESSION**

**Motion** by Tatro to enter non-public session at 9:30 pursuant to RSA 91-A:3,II(d). Second by Davis. Vote by roll call; all in favor. The Board came out of non-public session at 9:38.

**ADJOURNMENT**

**Motion** by Tatro 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. Fire Chief Recruitment. Advisory Committee on June 25<sup>th</sup> at 6:30 p.m. On 7/9 Selectmen meet with LGC re: applicants.
2. Personnel policy updates – drafting of updates ongoing. Distribution pending.
3. Decide whether to replace Carpenter Home burner and underground tank, possibly with an alternative heating system.
4. Preparation of invoice pending - Land Use Change Tax Bill (Oliphant et al)
5. Display on Route 12 pending enforcement issue.
6. Assessment of South Grove Street Land acquired by tax deed. Contact made with Bridges regarding locating parcel on the ground.
7. BTLA Appeal: Davis. Discussion to be placed on board's 6/25 agenda.
8. RFP – Town Facilities assessment.
9. Hiring – Department of Public Works (full time positions).
10. Subdivision Road Standards. Draft developed by DPW Director Dunham distributed to Selectmen. Review pending. Winter Maintenance draft – revisions needed.
11. 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.
12. WS Sidewalk Committee – work plans & process 2008? Equipment replacement Budget 2009?
13. Fire Department SOGs/Vehicle repairs & fleet assessment/disposition of excess vehicles.
14. Street Addressing Committee. Review of file and project status underway. Committee meeting to be scheduled.
15. Per Dunham, 6/11 recommendation: The Town should schedule a public hearing re posting Winch Hill Road for 25 mph.
16. Economic Development Advisory Committee. Issuance of press release and posting regarding solicitation of nominations.
18. Status of Conn. River Sportsman's Club.
19. Scheduling of public hearings regarding proposed Fireworks Ordinance.