

SELECTMEN'S MEETING – OCTOBER 8, 2008

*Minutes are not final until reviewed and approved by the Board.
Review and approval of minutes generally takes place at the next regularly scheduled meeting.*

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 6:15 p.m.

INFORMATION

Land and Water Conservation Fund grant opportunity Selectmen reviewed a letter from NH-DES inviting applications to participate in a 50/50 matching federal grant program that funds the development, renovation or acquisition of public outdoor recreation areas. The likely State appropriation will be \$285,000.

Pending Litigation Fox reported the outcome of pre-trial for the litigation filed by the Gochts in response to ZBA denial of the Gocht's initial application. The court will postpone the matter until the ZBA completes its hearing (now underway) on the second Gocht application.

CITIZEN CONCERNS – none presented

APPOINTMENTS

6:45 onward; staggered arrivals Gary Preston, Pat Bauries, Eric Stanley (see **NOMINATIONS**)

7:15 Dominic (Nick) Smith – Home Occupation application

Smith did not attend the meeting. Selectmen reviewed his application to conduct a sharpening service for saw blades and drills. Davis questioned the level of noise that would be generated by the business.

Motion by Tatro to approve the home occupation of light machine work, and to authorize the Chair to execute the Board's approval. Second by Davis. All in favor.

DEPARTMENT REPORTS

6:15 Steve Stewart (Recycling Center) – purchase of used hydraulic pallet lift

Stewart outlined the advantages of purchase of the 10-year-old battery-powered lift, which would serve as a backup for the diesel-powered Bobcat, thus obviating rental expense when the Bobcat is out of service. Lack of fumes and quiet operation make the lift appropriate for use inside the Recycling Center building. The machine has a 3,000-pound capacity, can stack objects to 9 feet, and likely will run for about 16 hours per battery charge. Parts are available, and the lift would be delivered in full operating condition (following repair of a small hydraulic leak). Funds are available in the Recycling Center's new equipment line of the operating budget.

Motion by Davis to approve the requested \$2,000 expenditure for purchase of the used lift. Second by Tatro. All in favor.

NOMINATIONS

Candidates Gary Preston (6:45 arrival), Pat Bauries (7:10 arrival), and Eric Stanley (7:20 arrival) applied for nomination to fill one Swanzezy vacancy on the Monadnock Regional School

District School Board. Also present for the nominations were Bob Smith, Bill Hutwelker, Jane Fortson, and two other unidentified members of the public.

Selectmen reviewed the Town's ordinance (adopted by 1995 Town Meeting) describing and regulating conflicts of interest, and discussed the issue at length. Selectmen recognized that kinship (clearly evident, in the case of Carlson's son, E. Stanley) and the impression of prejudgment (as might be interpreted from any citizen's random comments made during casual conversation). Selectmen agreed that the challenge for a town official is to keep an open mind, to objectively look at the facts and hear evidence. Selectmen expressed the desire to be scrupulously fair in determining the candidate for School Board appointment.

Board members considered sending the decision to the School Board, but concluded that they could best serve Town interests by making the decision on behalf of Swanzey. Nominees agreed, stating that people who live in the community should choose that community's representative. Hutwelker addressed the Board, strongly supporting this conclusion. Each of the three candidates expressed confidence that all Board members would make a fair decision.

At 7:30, Chairman Carlson recused herself due to a possible conflict of interest, and left the table. Vice Chairman Tatro assumed the chair. Tatro led interviews of the candidates, asking each why he or she sought a position on the School Board. Tatro and Davis concluded that candidates were similar in their strong willingness to serve; in their personal experience with the District, as parents or grandparents of past or current students; in their desire to represent the Town, contribute to consensus and make impartial decisions; and in their willingness to attend and participate in meetings. Taking into consideration Stanley's three years of service on the Budget Committee, as well as his lack of affiliation with any local education interest groups, Tatro and Davis felt that Stanley's recent near election to the School Board indicated voter support of his nomination.

Motion by Davis to recommend that the School Board appoint Eric Stanley to complete the vacant term. Second by Tatro. All in favor.

Tatro encouraged the three candidates to run for School Board in March. Stanley promised to keep the Selectmen informed of School Board issues.

Carlson reassumed the chair at 8:20.

CONFIRMATIONS - none scheduled

ENFORCEMENT - none scheduled

PUBLIC HEARING - Moore Nanotechnology Systems, LLC compensatory wetlands mitigation

Pursuant to RSA 41:14-a, Selectmen conducted the public hearing to accept public testimony regarding acquisition of a conservation easement to be placed on approximately 15 acres of forest land off of Safford Drive, within the Town's tax increment financing district known as the Swanzey Revenue Development District. The conservation easement is offered as part of the mitigation measures included in a dredge and fill application for Moore Nanotechnology Systems, LLC filed with the NH Wetlands Bureau. The first public hearing was conducted on Wednesday, September 24, at 6:30 p.m.

Chairman Carlson opened the public hearing at 6:30, and read the hearing notice.

On behalf of Moore Nanotechnology Systems, LLC and landowner 234 Old Homestead Realty LLC, Jim Phippard (Brickstone Masons) presented an overview of the Moore Nanotechnology project, explaining that development on two parcels will have an impact on 1.47 acres of low value wetlands. The dredge and fill wetlands application to NH-DES outlines mitigation measures, including on-site storm water treatment designed to replicate and improve detention features of the wet meadow, and re-location of a drainage ditch resulting in creation of approximately 5,800 square feet of wetlands. The application proposes conservation of a wooded 15.14-acre upland area meant to be the equivalent in functions and values of the mowed, altered meadow habitat. A small pond is located near the center of the upland area, which is 55% uplands and 45% wetlands,

according to the applicant's wetlands scientist. The land was timbered approximately 15 years ago. The fourth element of the mitigation proposal is a contribution to the Monadnock Conservancy's bargain purchase of the Johnson easement.

Phippard said that NH-DES and the EPA both have approved the proposal as adequate mitigation.

Phippard expressed support of suggestions to use the 15-acre parcel as a recreational amenity for Industrial Park workers. He acknowledged that scars from past activity on the parcel detract from its quality as wildlife habitat. Instead of disturbing a natural habitat, proposed use of the parcel for parkland would affect an already-altered habitat.

Abutter Betsy Braden was present. Braden described drainage and wetland features on her property and in the area. She asked whether the proposed construction would re-direct runoff onto her property. Phippard said that none of the off-site drainage pattern would be altered.

Carlson closed the public hearing at 6:45.

Phippard said that NH-DES has requested confirmation of Town willingness to hold the conservation easement, which does not need to be executed immediately. He said that NH-DES will require a copy of easement that gets recorded. He has been told that NH-DES anticipates issuing the wetlands permit by the end of October.

CONSIDERATION OF OLD BUSINESS

Carlton Road Extension Fox reported that construction of the wall proceeds, and said that the road is scheduled for re-opening in mid-November. Tatro recommended sealing the surface of the wall against graffiti.

Sidewalk Committee To accommodate the Board's desire to meet with the Committee, Fox hopes to set up an appointment on October 29.

Fire Chief swearing-in, October 15, 2008 At the swearing-in ceremony, Fox invited Selectmen to welcome the new Chief with a brief statement. Board members expressed their desire to also acknowledge their appreciation of Chief Symonds, and recognize his service to the Town.

Thompson Covered Bridge scour protection measures Fox reported that the State has approved the scope of services and fee agreement for engineering services and said that, in an October 8 letter, Town counsel raises the issue of insurance liability. Fox will review those concerns with Hoyle Tanner to see if they can be resolved.

Heating fuel bid for Town buildings Fox reported that the school district awarded Webber their heating fuel contract, at a fixed price bid. Fox has contacted Roy Brothers to discuss possible terms and options.

Motion by Tatro to accept a fixed price of \$3.10, giving Fox authority to contract with Roy Brothers if they can offer a lower price, so long as it is not a pre-pay. Second by Davis. All in favor.

CONSIDERATION OF NEW BUSINESS

RSA 75:1-a, Alternate Assessment Form – Low Income Housing Tax Credit Properties

Fox reported that the Legislature has adopted an amendment to assessment statutes, which will be a factor in re-evaluation in 2009. The amendment allows for properties subject to a subsidy covenant and allocated low income tax credits to be assessed based on the income approach, or in a manner that results in taxes being equal to 10% of rental and other income.

Fox said that three properties in Town have filed for consideration under the new statute by the application deadline of October 1, 2008: Riverbend, Evergreen Knoll and Swanzey Township

Housing. She said that the Town will need to analyze the appropriate 2009 “assessment” of these parcels. The Department of Revenue is currently developing rules for this new program.

NHDOT Planning – Rehabilitation of Route 10 Bridge at Swanzey/Winchester Town Line On behalf of the State, Southwest Region Planning Commission has contacted Swanzey and Winchester to request their participation in a planning meeting (anticipated for early November) for the 2010 bridge project. Bridge construction in Winchester will result in a traffic detour through Swanzey. Fox reported that recommended participants include the Police Department, DPW, Fire Department, Town Planner, and a representative of the Board of Selectmen. Tatro agreed to represent the Board of Selectmen.

Fire Department Training Invoice Fox reported that funds are available in the Fire Department’s budget account for training.

Motion by Tatro to authorize payment of the \$1,543 invoice. Second by Davis, All in favor.

Disposal of Surplus Municipal Equipment – 1995 Chevy One Ton truck DPW Director Dunham recommends sale of the diesel dump-body truck, which has 90,000 miles and a welded frame. It is not suitable for plowing.

Motion by Davis to authorize the sale, setting a minimum bid of \$750. Second by Tatro. All in favor.

Moore Nanotechnology LLC construction update Fox reported that work is scheduled to begin on October 20. The Town still has not received engineering plans for fire suppression.

Selectmen discussed provision of water to the site, which will require installation of an 8” water main on the east side of Route 32, at an approximate cost of \$50,000. Funds may be available from the TIF district and the water precinct.

MS 4 Fox reported erosion in anticipated revenues, due to lower numbers of building permits and vehicle registrations, and greatly reduced interest income and land use change tax require recognition on the MS4. Fox said that the budget cycle this year will be challenging and that we should anticipate increases in property tax and utility receivables.

CONSIDERATION OF MINUTES

Motion by Tatro to approve the minutes of the September 17 and September 24, 2008 business meetings and non-public sessions as written. Second by Davis. All in favor.

CONSENT AGENDA

1. Notice of Lien, Cole.
2. Form A – Skantze.
Motion by Davis to authorize Carlson to sign Form A on behalf of the Board.
Second by Tatro. All in favor.
3. Monadnock United Way.
4. General Election Warrant.
5. Event Permit #2008-21, Eastern Draft Horses.
6. Notice of Intent to Cut, Map 81 Lot 9.
7. Intent to Cut, Map 14 Lot 14-2.

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

NON-PUBLIC SESSIONS

Session 1

Motion by Davis at 9:12 to enter non-public session, pursuant to RSA 91-A:3IIe, to discuss three matters of litigation. Second by Tatro. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis and Fox.

Selectmen left non-public session at 9:23 p.m.

Motion by Davis to seal minutes of the session indefinitely. Second by Tatro. Vote by roll call. All in favor.

Session 2

Motion by Tatro at 9:23 to enter non-public session, pursuant to RSA 91-A:3IIa, to discuss two matters pertaining to personnel. Second by Davis. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis and Fox.

Selectmen left non-public session at 9:33 p.m.

Motion by Davis to seal minutes of the session indefinitely. Second by Tatro. Vote by roll call. All in favor.

OTHER BUSINESS

Carlson described a 16-page town newsletter produced monthly by volunteers in Troy. Production is supported by the sale of advertising. Fitzwilliam also has a regular newsletter. Carlson advocated for a similar effort to be undertaken in Swanzey.

ADJOURNMENT

Motion by Tatro to adjourn; second by Davis. All in favor. The meeting adjourned at 9:40.

Submitted by

Victoria Reck Barlow
Recording Secretary

LIST OF FUTURE AGENDA/PENDING ITEMS

1. Personnel policy updates – drafting of updates ongoing. Distribution pending.
2. Display on Route 12 (pending enforcement issue) referred to Weston.
3. Disposition of South Grove Street Land acquired by tax deed - pending.
4. RFP – Town Facilities assessment.
5. Hiring – Department of Public Works (2 full time positions).
6. Subdivision Road Standards. Draft developed by DPW Director Dunham distributed to Selectmen. Review pending. Winter Maintenance draft – revisions to priority section requested.
7. 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.
8. WS Sidewalk Committee – work plans & process 2008? Equipment Budget 2009.
9. Conversion of 1997 DPW truck to forest fire vehicle pending/Fleet assessment & disposition of excess vehicles pending.
10. Street Addressing Committee. Review of file and project status underway. Committee meeting to be scheduled.
11. Discussion, defining roles and responsibilities between Selectmen, DPW and West Swanzey Sidewalk Committee. Research underway.
12. Town ordinances – Fireworks. Further consideration deferred to allow for input of full time fire chief following hiring.
13. Carpenter Home Properties – Discussion with counsel re: options. Authorization to investigate pending.
14. Westbrook Court – Class VI – Camuso (Richmond).