

SELECTMEN'S MEETING – JUNE 3, 2009

*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 Deborah J. Davis, Nancy L. Carlson, and Bruce L. Tatro. Town Administrator Elizabeth Fox also was present.

FINANCIAL MATTERS

Selectmen reviewed and approved accounts payable and payroll manifests.

CALL TO ORDER

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

INFORMATION

Site visits scheduled Selectmen will conduct site visits on June 10, including Davis Avenue.

Fire Department Selectmen received call information from May, as well as year-to-date totals.

ABTech Open House Selectmen received an invitation to the event on June 11th at 2:30 p.m. at ABTech's Monadnock Highway location. Fox will send regrets on behalf of Selectmen.

Cooperative Extension Selectmen received notification of a program scheduled for July 7th.

Keene Sentinel editorial – "Swanzy Rural Character" film Selectmen received a copy of the May 28, 2009 editorial.

Ashuelot Rail Trail project Bruce Bohannon and Kurt Bloomquist have obtained from NHDOT an additional \$141,258 in funding for this project to improve approximately 13,000 feet of rail trail from Keene to Sawyers Crossing Road. The original project budget -- \$110,000 -- was unlikely to bring improvements much past the Town line. Engineering costs will be amended, and the project will go out to bid in the near term.

2007 Tax Lien eligible for deeding – Tax Map 32 Lot 25 The lien has been satisfied by June 1 in accordance with the payment arrangement.

Vernon drill The drill will take place next week.

CITIZEN CONCERNS – none pending

DEPARTMENT AND COMMITTEE REPORTS

6:50 – 7:30 DPW Director Dunham

APPOINTMENTS

7:30 – 7:43 Chris Rurka, Southern County ATV Club -- see **NEW BUSINESS**

8:00 – 8:30 Annette Studebaker – see **OLD BUSINESS**

NOMINATIONS Vacancies are posted.

CONFIRMATIONS – none scheduled

ENFORCEMENT –

Broadvest Properties, Route 10 Fox advised Selectmen that the dirt moving activity has ceased.

VFW Hall, Railroad Street Fox advised Selectmen that a proposed retail sales activity has ceased, and will be submitted for appropriate Town review.

PUBLIC HEARINGS – none scheduled

CONSIDERATION OF OLD BUSINESS

Department of Public Works

Paving bid documents Selectmen and DPW Director Lee Dunham reviewed the draft bid specifications, as well as budget information related to paving provided to Board members in December.

Dunham advised Selectmen about changes in materials estimates for various projects, and said that he has increased all shim estimates from 1” (as budgeted) to 1.5” The group discussed costs of materials, sources of funding, and work plan options. Dunham said that the work plan needs to be redone, and also adjusted to reflect forthcoming bid prices.

Those present determined that West Street, Webber Hill (excluding Carlton Road), and Main Street will be financed from expendable trust funds; the balance of work included in the proposal will be funded through the operating budget, these repairs will require approximately \$164,000 of the \$170,000 allocation.

The group discussed the status of hydrants, valves, water pipes and the cistern in West Swanzey. Dunham said he has been discussing the system with Fire Chief Skantze. Dunham recommended coordinating dry hydrant repairs (if deemed appropriate) with road repairs in the vicinity, after completion of the Homestead Woolen Mill dam removal process. Dunham recommended addressing the Christian Hill Road bridge at a later date.

Selectmen requested that Dunham correct numbers in the specifications and issue the invitation to bid promptly, with bids due by June 24 for Board review and potential action on July 1.

Motion by Tatro to approve sending the corrected specifications out to bid. Second by Carlson. All in favor.

Sidewalk repairs Selectmen and Dunham discussed e-mail correspondence from Barbara Skuly regarding repairs to the sidewalk railing on Spring Street, and confirmed that the DPW has no involvement with the repairs. Fox said that she had advised Skuly to consult with the Sidewalk Committee.

Emphasizing the need for Sidewalk Committee – DPW coordination, Dunham said that a Sidewalk Committee repair to the sidewalk on Homestead Avenue resulting in narrowing the passageway to the extent that the sidewalk plow no longer can pass through.

The group discussed repair of sidewalk damage caused before David Roy changed his driveway location. At Davis’s request, Dunham said that he would research the Planning Board decision to determine whether the Planning Board approval required repairs.

Selectmen’s site visits Davis advised Dunham of the Board’s planned visit to Davis Avenue. Dunham said that he would be available, and also would be present for the Board’s inspection of Ash Hill Road.

Cresson Bridge repairs Dunham reported that the repairs have been completed as scheduled.

Ash Hill Road tree cutting Dunham said that he has postponed marking trees selected for cutting until he sends letters to and has conversations with owners of land that abuts the road. Dunham said that ownership of some of the trees may be disputed.

Non-public session – RSA 91-A:3IIe, McClure v. Swanzey. See **NON-PUBLIC SESSION**.

Land Use Change Tax penalties Selectmen reviewed determinations of the prior meeting, and considered associated warrants and forms. In light of prices for lots currently on the real estate market, Board members agreed to amend the value of Tax Map 12, Lot 21-7 (6 acres) from \$85,000 to \$75,000. Board members agreed that all other values determined at the May 20, 2009 meeting are appropriate.

Building Permit fees Following up discussion at the May 20 Selectmen's meeting, Fox presented proposed amendments to the fee schedule: the addition of a re-inspection penalty, an increase in the minimum permit fee per new dwelling unit, and the addition of an oil burner permit fee. Selectmen authorized Fox to post notice of a public hearing on June 17 to accept testimony regarding the amendments.

Cournoyer property/Sevene & Pine Street Annette Studebaker and Pine Street neighborhood residents Mr. and Mrs. Robert Goodell met with the Board to discuss enforcement of the cease and desist order against Jeffrey Sevene. Studebaker stated that she considers the situation to be a neighborhood issue.

Studebaker said that Sevene has been continuing activities that are subject to the cease and desist order. Studebaker asked the Selectmen consider a noise ordinance and a drug paraphernalia ordinance to set standards and facilitate making reasonable judgments; Studebaker presented Board members with model ordinances she obtained from Police Chief Busick.

The group discussed Studebaker's concerns, and agreed that the process of finding resolution is unavoidably lengthy. Fox advised those present that the Planning Board (scheduled to consider completeness of the Sevene site plan application on June 4) is obliged to consider applications on their merits, regardless of past activities.

Fox said that she will ask Town Counsel for her recommendations.

Conservation easement, Moore Nanotechnology Systems/234 Old Homestead Hwy Realty, LLC. Fox reported that negotiations have not progressed; Town Counsel advises against assuming liability for the private property. Fox said that she has yet to receive a full response from Local Government Center.

West Swanzey sewer treatment facility In response to Selectmen's reports of citizen complaints of odor, Fox advised Selectmen to direct citizens to members of the Sewer Commission, who are responsible for managing the facility.

Elm tree project Davis reported that Francis Faulkner has taken on the project, and will solicit help from Boy Scouts. Fox advised she had been told that at least one tree in the vicinity of Buck and Ike's pen are elms.

Water Precinct contract renewal with City of Keene Selectmen and Fox discussed the contract renewal.

Motion by Tatro to authorize Fox to promptly send a letter to Water Precinct Commissioners on behalf of the Board of Selectmen, emphasizing the importance of legal counsel during the contract negotiation. Second by Carlson. All in favor.

CONSIDERATION OF NEW BUSINESS

OHRVs and Class VI roads Chris Rurka and members of the newly formed Southern County ATV Club appeared before the Board to present the club's plans and progress. Rurka said that the club is in the process of obtaining landowner permission to ride on private property, and seeks to incorporate specific sections of west Swanzey Class VI roads into the network to attain the minimum of five trail miles required of organized ATV clubs for State assistance with trail maintenance. Rurka said that the club's insurance will cover landowners; the club will conduct an annual safety course, post trails with markers, and provide maps of trails.

Club members outlined the proposed trail system. Riders could stage vehicles in the Village Church parking lot on Cobble Hill Road. The loop would include trails through Fox Hill Farm, property owned by Tom Hanna, and the Class VI sections of Old Chesterfield Road and California Brook Road. Club members hope ultimately to connect Swanzey trails with Pisgah. Fox said she would contact the Town of Chesterfield to see whether there are obstacles to extending the trail through Chesterfield.

As the network expands, Rurka said that the club may seek approval for use of additional Class VI roads. To give back to the community, club members said, the group will conduct fundraising events for charities.

Tatro asked club members to provide Selectmen with a letter to formally make their request; the letter should identify sections of Class VI roads and should include a map to show how sections of trails connect. Selectmen accepted the offer of club bylaws.

Protecting Mt Caesar trails Selectmen discussed ways to prevent further damage to trails from large wheeled vehicles. Until the Friends of Mt Caesar Advisory Group can install a gate, Board members advocated a temporary solution of a chain, fence or even large boulders at the edge of the Carpenter Home parking area.

Low Income Housing tax assessment Fox briefed Board members on her initial analysis of an amendment to statute that is effective for the 2009 tax year. Based on Fox's calculations, changes in computing the assessed value of workforce housing will result in an aggregate loss of \$41,000 in property tax revenue from Riverbend, Evergreen Knoll, and Swanzey Township Housing.

Request to install a power line under West Shore Road Fox reported that the builder currently constructing the Anderson home on West Shore Road installed a power line in a trench that had been dug across the road for the sewer line servicing the home. DPW Director Dunham stated that he had approved the road crossing only for sewer service, and did not recommend approving the road crossing for electrical service. Dunham said that it is possible that the builder dug two trenches; no inspections took place.

Fox said that her research indicates that the Board -- and not the DPW Director, unless the Selectmen create a mechanism to delegate the authority -- is authorized to grant such an approval, and would do so by issuing a license and excavation permit.

Noting that there are other ways to provide electrical service to the home, Selectmen charged Dunham with requiring the removal of the electrical service from under the road.

Safford Drive – Route 12 emergency lane Selectmen discussed scheduling a public hearing to designate as an emergency lane the private road between Safford Drive and the fairgrounds.

Selectmen authorized Fox to proceed; Fox will send the Cheshire Fair Association a letter of explanation.

Non-public session – RSA 91-A:3IIa & c, Police Department See **NON-PUBLIC SESSION**.

Police Department hiring process Fox reported that Police Chief Busick is conducting interviews and, if he is prepared to present one, has requested the Board's consideration of a conditional offer at the June 10th meeting. The group agreed to consider his request if time permits, following scheduled site visits.

School Board study of Sullivan Elementary School School Board member Bruce Barlow reported his reasons for voting against the proposed study. Barlow's reasons included his perception of a lack of District-wide agreement that there is a problem with the Sullivan school; his concern that members of the School Board or administration lack adequate time or expertise to conduct a responsible study; and his perception of a lack of clarity surrounding criteria for assessment of the school relative to student achievement.

Tatro advocated forming a study committee of citizens, parents, and town officials. He said that finding even small savings would demonstrate the School Board's concern and responsibility to voters. Tatro said that the students of Swanzey schools are not getting the same opportunity as students of the Sullivan school. Barlow discouraged as a "public relations nightmare" any action within the School District that might be perceived as pitting town against town.

Nighttime meetings cost reduction To reduce costs of cooling Town Hall during the hottest months, Selectmen authorized Town staff to conduct public meetings at the Police Department community room, starting in July.

Lawnmower Fox advised Selectmen that she has prepared for posting a notice of the equipment for sale. Selectmen authorized Fox to proceed.

Fire Department Tatro reported that the West company plans to wash the Thompson covered bridge and Slate covered bridge on June 29. Tatro also reported that the company has voted to cook and serve food at Old Home Day.

CONSIDERATION OF MINUTES

Motion by Carlson to defer consideration of the May 13, 2009 goal-setting session, and approve the minutes of May 20, 2009. Second by Tatro. All in favor.

CONSENT AGENDA

1. CDBG Payment Request #4.
2. Raffle Permit #2009-13 & 2009-14.
3. Land Use Change Tax Warrant – Lane Construction \$25,636.44.
4. Land Use Change Tax Warrant – MNTS Land LLC \$30,832.88.
5. Land Use Change Tax Warrant - Still Brothers Contract LLC \$34,082.20.
6. Land Use Change Tax Warrant – Lamothe \$916.44.
7. Abatement Application #2008-13, revised assessment \$191,500.
8. Release of Lien, Tax Map 18 Lot 89.
9. Accept/Expend RSA 31:95-b, \$200 Pinney Plumbing, Swanzey Rural Character Project.
10. Acknowledgement of receipt from Town Clerk of unlicensed dogs list.

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

NON-PUBLIC SESSIONS

Session I

Motion by Carlson at 9:05 p.m. to enter non-public session, pursuant to RSA 91-A:3IIe, to discuss legal matters. Second by Tatro. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis and Fox.

Selectmen left non-public session at 9:21 p.m. Selectmen voted by roll call to seal the minutes of the session indefinitely.

Session II

Motion by Tatro at 9:21 p.m. to enter non-public session, pursuant to RSA 91-A:3IIa and RSA 91-A:3IIc, to discuss employee matters. Second by Carlson. Vote by roll call. All in favor. Present were Carlson, Tatro, Davis and Fox.

Selectmen left non-public session at 9:29 p.m. Selectmen voted by roll call to seal the minutes of the session indefinitely.

ADJOURNMENT

Motion by Carlson to adjourn; second by Tatro. All in favor. The meeting adjourned at 9:33.

Respectfully submitted,

Victoria Reck Barlow,
Recording Secretary

LIST OF FUTURE AGENDA/PENDING ITEMS

1. Personnel policy updates – drafting of updates ongoing.
2. Disposition of South Grove Street Land acquired by tax deed - pending.
3. RFP – Town Facilities assessment.
4. Subdivision Road Standards. Draft developed by DPW Director Dunham distributed to Selectmen. Review pending. Winter Maintenance draft – BOS suggestions re-worked at provided to Dunham 1/5 for final review before forwarding to Town Counsel as requested for an opinion.
5. Street Addressing Committee. Review of file and project status underway. Committee meeting to be scheduled.
6. Discussion, defining roles and responsibilities between Selectmen, DPW and West Swanzey Sidewalk Committee. Research underway. 2009 work plan discussed with committee.
7. Town ordinances – Fireworks. Further consideration deferred to allow for input of full time fire chief following hiring.
8. Carpenter Home Properties – Discussion with counsel re: options. Authorization to investigate pending.
9. Westbrook Court – Class VI – Camuso (Richmond).
10. Old Home Day Committee recruitment.