

## **Selectmen's Meeting – May 25, 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 6:07 p.m.

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

**Citizens Concerns.** Diane Keller, 47 Diana Drive, met with Selectmen expressing concern about Monadnock Aviation's plans to conduct an air show at the Dillant Hopkins Airport located in Swanzey on June 5<sup>th</sup>. She felt the show was a safety threat to residents and that the airstrips were crumbling and unsafe since the airport no longer received federal funding. She also expressed concern about leaking radiation from Vermont Yankee and the environmental hazard posed by the air show and nuclear plant. Keller requested a copy of Beth Bendels's permits for the event. Selectman Tatro advised that it was late in the event planning process to express concerns about possible environmental hazards. Keller expressed concern that Bendel's would be making a profit. Selectmen advised that cost for the event to be held June 5 incurred by the town would be paid by the event sponsor. Keller suggested turning the airport into a wind farm.

**Memorial Day.** The schedule for the town's patriotic celebration was shared with board members.

**Lane Field.** Scheduling information for upcoming tournaments at the field was received from Recreation Committee member Michelle Matson.

**Enforcement - Robinson/Johnson Property, Tax Map 52 Lot 26 – 133 West Swanzey Road.** The building demolition material (former Cheshire Tire Bldg) has been removed from the site per CEO Weston.

**Fire Department Call Summaries.** Reports summarizing call activity in March and April received from Chief Skantze were provided to board members.

**Non-public session – RSA 91-A:3IIb, Hiring – Health Officer.** Selectmen voted unanimously by roll call to go into non-public session at 6:25 p.m. to interview a candidate for the position. Selectmen came out of non-public session at 7:00 p.m. voting by roll call to seal the minutes of the session indefinitely.

**Non-public session – RSA 91-A:3IIa, Personnel Matter – DPW.** Selectmen voted unanimously by roll call to go into non-public session at 7:01 p.m. Selectmen came out of non-public session at 7:10 p.m. voting by roll call to seal the minutes of the session indefinitely.

**Non-public session – RSA 91-A:3IIIe, Pending litigation.** Selectmen voted unanimously by roll call to go into non-public session at 7:11 p.m. to consider pending litigation. Selectmen came out of non-public session at 7:14 p.m. acknowledging the pending motion seeking to enjoin the board from proceeding in accordance with RSA 41:14-a to consider the Gocht septic matter and requesting town counsel see fines and penalties associated with the Sevene/Cournoyer violation from the date of the most recent violation.

**Non-public session – RSA 91-A:3IIa, Personnel Matter – DPW.** Selectmen voted unanimously by roll call to go into non-public session at 7:14 p.m. Selectmen came out of non-public session at 7:17 p.m. voting by roll call to seal the minutes of the session indefinitely.

**Parcels eligible for Tax Deeding.** Selectmen discussed several parcels concurring with Fox's proposal to seek Town Counsel's assistance in developing strategies to address these parcels.

**Open Space Fundraising Efforts – Tippin' Rock Farm.** Selectmen reviewed a memo from Carbonneau dated 5/18/2010 outlining plans of the Open Space Committee which is working with the Monadnock Conservancy on a project to permanently protect Tippin' Rock Farm (Domina property) on Swanze Lake and Warmac Roads. Transaction costs and funding sources for the conservation easement to be acquired by the Conservancy were reviewed. Selectmen approved location of an "ear of corn" fundraising thermometer in front of the Town Hall to be placed in a location which does not interfere with the Town Hall changeable type sign. Selectmen also authorized OSC to partner with the Monadnock Conservancy in an application for a \$10,000 Fields Pond Grant. Selectmen acknowledged that the funding plan for the easement includes support from the town's land conservation acquisition fund and the Conservation Commission that will likely require initiation of the RSA 41:14-a process in late summer.

**Home Occupation Application – Bradbury, Tax Map 3 Lot 32 - 406 Flat Roof Mill Road.** Selectmen reviewed materials related to the home occupation application determining that the use as described (hairdresser) qualified as a home occupation under the terms of the town's zoning ordinance.

**Building Permit Fee, Steeple West Swanze Community Church.** Selectmen waived the penalty provision of town's permit fee schedule for this project whose work commenced prior to issuance of a permit as town staff had initially advised a permit was not required and then determined (since the repair was structural in nature) that a permit was necessary.

**Payment Schedule MRSD July to December 2010.** Selectmen reviewed correspondence directed by Fitzwilliam Selectmen to District officials and a payment schedule prepared by staff for the last ½ of the year. The payment schedule – Attachment #1 – was approved by Selectmen.

**Tax Exempt Status Application – Tax Map 38 Lot 18.** Selectmen reviewed materials submitted on behalf of Fast Friends and the provisions of the statute which require ownership, in addition to occupancy, of real estate. Selectmen executed a letter declining to approve tax exempt status for the property owned by Baxter Johnson LLC located at 14 West Swanzey Road for the tax year beginning April 1, 2010.

**Abatements 2009.** Selectmen reviewed and executed correspondence pertaining to abatement applications 2009-12 (Tax Map 73 Lot 35) and 2009-27 (Tax Map 3 Lots 1 and 1-3). The following actions were approved:

- 2009-12, Abatement of assessed value of \$800
- 2009-27, Abatement of assessed value of \$84,900.

**Tax Map 61 Lot 13, Brickstone Mason.** Correspondence concerning this parcel dated May 13 was provided to board members for consideration at a future meeting.

**Public Hearing – Proposed Fireworks Ordinance.** Chairman Carlson called to order at 7:30 p.m. a public hearing to accept testimony regarding an ordinance proposed to permit class C fireworks displays within the Town. Copies of the draft ordinance developed by Chiefs Skantze and Busick were provided to the public attending. Both Chiefs were also in attendance.

Jill Amidon expressed concern that the proposed regulation would preclude her from continuing the annual display of fireworks by Swanzey Lake Campground off of their raft anchored in the lake. She also expressed concern that display of fireworks was limited to those purchased in NH as she is frequently given fireworks by campers who purchase them out of state. In addition concerns were expressed about the ordinance's requirements related to a means of extinguishment.

Chief Skantze reviewed the history of fireworks regulation in the state and the town's current regulation which does not permit the display by residents of fireworks. The ordinance proposed is based on a model put forth by the Fire Marshal's Office and includes a restriction to fireworks purchased in the state to ensure that those proposed for display meet NH's definition of Class C.

Kai Dafeldecker queried who would be responsible for enforcement and was advised that the state law could be enforced by any law enforcement official. He queried how frequently fireworks violations had been enforced.

Chief Busick advised he could not respond with a specific number but that the department received complaints about them. Busick hoped that by adoption of procedures and practices under which they might be permitted, complaints would be reduced.

Mr. Dafeldecker queried whether fireworks should be permitted to a later hour on 4<sup>th</sup> of July weekend, not just 4<sup>th</sup> of July.

David Cairn advised that the permit process could provide protection for display sponsors as holding a permit would reduce the likelihood that a planned celebration is interrupted by law enforcement officials responding to a complaint. Mr. Cairns commented that in the end responsible parties will comply with the terms of the proposed regulation.

Testimony regarding whether more tiers should be established for violations with lower fines initially was submitted by Mr. Dafeldecker.

The hearing was closed by Chairman Carlson at 8:20 p.m.

**Public Hearing, Proposed Covered Bridge Regulations.** Chairman Carlson called the public hearing to order at 8:23 p.m. soliciting comments from the public on the draft regulation. David Osgood asked for clarification regarding the definition of “nothing in tow” and requested any signage related to the regulation be attentive to the aesthetics provided by these historic structures. Chairman Carlson closed the public hearing at 8:28 p.m.

**Public Hearing – Proposed Agreement with Cheshire TV, PEG Access.** Chairman Carlson called the hearing to order at 8:30 p.m. No public testimony regarding the proposed agreement was received. Interest in the PEG channel among residents – or lack of interest – was noted by Selectmen. Questions regarding what specific value the town received from the channel were raised by members. Chairman Carlson closed the public hearing at 8:34 p.m.

**Fire Department Special Detail Policy.** Selectmen considered amendments to the policy (initially adopted in 2005) voting to approve the policy as amended – Attachment #2. Selectmen requested the department develop recommendations to expand this policy in the future to provide for a schedule of charges when town vehicles are dedicated to an event.

**Event Permit #2010-15 - Monadnock Aviation.** Selectmen met with Police Chief Busick and Fire Chief Skantze who reviewed the planning process and permit requirements recommended by the town’s public safety departments for the upcoming air show. After discussion, Selectmen approved issuance of Event Permit #2010-15 subject to the conditions listed in Attachment #3 which include an estimate of costs for the benefit of the event sponsor. Selectmen approved Chief Skantze’s recommendation to utilize the amended Fire Department Special Detail Policy to compensate department personnel assigned to this event in accordance with the permit. A detail billing rate (when required for EMD) services of \$23 hour was also established. Due to the number of special events scheduled within the community on June 5, Selectmen also authorized compensating personnel assigned by Chief Skantze to staff a station to be available to respond to calls within the community in accordance with the pay rates established by the special duty policy. Costs associated for standby coverage will be posted to the department’s operational budget – part time wages (call/training).

**Event Permit #2010-07 - Woodbooger’s Demo Derby.** Chiefs Busick and Skantze reviewed the recommended conditions for the permit for this event. Selectmen approved issuance of Permit #2010-07 subject to the conditions listed in Attachment #4 which includes an estimate of costs for the benefit of the event sponsor. Selectmen approved Chief Skantze’s recommendation to utilize the Fire Department Special Detail Policy to compensate department personnel assigned to this event in accordance with the permit.

**Citizen Concerns.** Selectman Davis relayed to members a concern expressed to her about processing water from Creations in Stone damaging the town's road (South Winchester Street) and negatively impacting the wetlands downstream. The site plan approved for this location will be reviewed and the concern regarding the road forwarded to DPW Director Dunham.

**Minutes of Previous Meeting.** Selectmen approved as written the minutes of their meeting of May 11, 2010.

**Proposed Fireworks Ordinance.** Selectmen considered testimony received at the public hearing conducted earlier in the evening voting to adopt the proposed ordinance with modifications that expand the number of days later night display (until 11 p.m.) is permitted around the 4<sup>th</sup> of July and reducing the hours for special holiday late night displays (New Years, July 3, 4 & 5 and Halloween) from 12:30 a.m. to 11 p.m. In addition, the penalty associated with a third violation was modified so that it precluded issuance of a permit to display for 365 days. The ordinance as adopted is included as Attachment #5.

**Proposed Covered Bridge Regulations.** Selectmen considered the testimony received at the public hearing conducted voting to adopt the proposed regulation included as Attachment #6.

**June Schedule.** Selectmen reviewed a June calendar setting business meetings for June 8, 15 & 29. A session to conduct site visits will be held on June 1.

**Consent Agenda.** Selectmen approved the following consent agenda items:

- Nomination of Steve Stepenuck and Barbara Skuly to represent the town on the Ashuelot River Local River Management Advisory Committee authorizing posting the remaining vacancy.
- MS 5 Financial Report for the year ending 12/31/2009.
- Accepting and expending donations for the "Welcome to Swanzey" sign in memory of Buck - \$150, Bachrach, \$315, Thieme & \$250 from Pilgrim Pines Conference Center.
- Gravel Tax Warrant \$1194.20.
- Raffle Permits #2010-14 & 15.
- Authorization of adjustments to Vision values follow merger to the tax software to reflect taxable status split exempt status of properties owned by Cheshire Fair Association – Attachment #7, ECCEC – Attachment #8, Monadnock Humane Society – Attachment #9 and the property acquired by the town at 140 Warmac Road – Attachment #10.
- Greenhouse exemptions, Tax Map 53/2-1 & Tax Map 21 Lot 18.
- Current Use Application, Tax Map 59/5 & 71/2.
- Confirmation of Appointment as member of SRDD Advisory Board, Bob Furlone.
- Event Permit #2010-13 with Selectmen authorizing waiving of permit fee.
- Follow up correspondence to Broussard regarding past due tax liens.

- Intent to Cut, Tax Map 84 Lot 3-2.
- Abatement #2010-2, to complete tax deferral granted by Selectmen on 4/27/2010.
- Abatement # 2010-3, re: Abatement Application #2009-27.

Meeting adjourned at 9:30 p.m.

Submitted by,

Elizabeth A. Fox  
Town Administrator