

Town of Swanzev, New Hampshire  
**Board of Selectmen**  
August 7, 2012 Meeting Minutes

Present were Selectmen Deborah J. Davis, Nancy L. Carlson and Kenneth P. Colby, Jr. Also present was Town Administrator Shane O'Keefe and Recording Secretary Victoria Reck Barlow. Chairman Davis called the meeting to order at 6:15.

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

**CONSIDERATION OF MEETING MINUTES.**

**Amendment to minutes of June 12, 2012.** O'Keefe advised Selectmen that page 3 of the minutes, under Non-Public session III, should be amended to create two specific non-public sessions for the two separate matters that were discussed. **Motion** by Colby to change the minutes of the June 12, 2012 non-public meeting to replace the following with two specific non-public sessions, below:

**“Non-public session III -- RSA 91-A:3IIa, dismissal, promotion, compensation.**

Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIa at 7:58 p.m. to discuss Town Hall janitorial services and a request for FMLA leave. Present were Selectmen and Interim Town Administrator Busick. Selectmen came out of non-public session at 8:13 p.m. Selectmen voted to seal minutes until resolution of the matter.”

Replacement language:

**“Non-public session IIIa -- RSA 91-A:3IIa, dismissal, promotion, compensation.**

Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIa at 7:58 p.m. to discuss Town Hall janitorial services. Present were Selectmen and Interim Town Administrator Busick. Selectmen came out of non-public session at 8:13 p.m. Selectmen voted to seal minutes until resolution of the matter.

**Non-public session IIIb -- RSA 91-A:3IIa, dismissal, promotion, compensation.**

Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIa at 7:58 p.m. to discuss a request for FMLA leave. Present were Selectmen and Interim Town Administrator Busick. Selectmen came out of non-public session at 8:13 p.m. Selectmen voted to seal minutes until resolution of the matter.”

Second by Carlson. All in favor.

**Amendment to minutes of July 17, 2012.** O'Keefe advised Selectmen that on page 1, under “Carpenter Home Renovations”, the words “non-expendable trust funds” should be replaced with “the Carpenter Home Expendable Trust Fund.” **Motion** by Colby to replace the words “non-expendable trust funds” with “the Carpenter Home Expendable Trust Fund.” Second by Carlson. All in favor.

**Consideration of minutes of July 24, 2012 regular meeting.** **Motion** by Colby to approve the minutes of the July 24, 2012 regular meeting. Second by Carlson. All in favor.

**Consideration of minutes of non-public sessions of July 17 and 24, 2012.** **Motion** by Colby to approve the minutes of the July 17 and July 24, 2012 non-public sessions. Second by Carlson. All in favor.

## **ENFORCEMENT.**

**325 Cobble Hill RD** (Map 82 Lot 4; Kenneth & Janice Sevene). O’Keefe reported that Code Enforcement Officer Chet Greenwood gave notice on May 31, 2012 to the property owners about observed unpermitted use of the land as a sand and gravel and/or excavation operation, including direction on how to attain compliance. O’Keefe said that Greenwood received a response from the property owner on July 30, 2012 denying any unpermitted use of the property. Cobble Hill Road resident Carlson reported passage of between 30 and 35 loaded dump trucks on Cobble Hill Road during the week of July 25. Selectmen directed staff to contact Department of Revenue Administration gravel tax appraiser Mary Pinkham-Langer for her recommendation.

## **OLD BUSINESS.**

**127 Homestead Avenue** (Map 59, Lot 7; Melinda Bates). Homestead Avenue residents and/or property owners Gerald and Jeanne Boggis, Gail Burgess, Nancy Brown, Melissa Alexander, Becky Jarvis, Cole Connor and John Zanes appeared before the Board to discuss concerns about noise and the buildup of trash at 127 Homestead Avenue. Health Officer Beth Ann Tatro also was present.

Neighborhood residents raised concerns about the number of dogs on the property, the effect on the neighborhood of barking and threatening dogs, and the effect on the neighborhood of accumulations of trash and garbage on the property. Neighbors said that pedestrians and bicyclists fear unrestrained dogs when they pass the property.

Tatro said that the dogs are registered with the Town via a kennel license, and said that Monadnock Humane Society Director of Shelter Operations and Field Services Stephanie Frommer routinely monitors the dogs’ living conditions. Selectmen recommended that residents make use of the Town’s new noise ordinance and report the nuisance to the Police Department when dogs bark incessantly, especially between the hours of 10:00 p.m. and 7:00 a.m. Colby and Tatro spoke about the need to create a paper trail of reported complaints. Board members authorized Tatro to ask Bates to bring all dogs indoors by 10:00 p.m.; Tatro said she would do so at the end of the meeting.

Tatro said that the property owner has taken some trash to the Recycling Center and has gotten rid of four unregistered vehicles and a camper. Tatro said that a stove in the front yard will be scrapped after its burners are removed. Tatro said that the mobile home cannot be removed because it is mortgaged on the property. Neighbors expressed concerns about odors generated by the trash, and the potential for rats. Neighbors presented Board members with photographs of a garbage-filled truck taken in 2008 and again in 2012.

Tatro said that she has been working to address priorities of making the yard cleaner by reducing trash and getting unregistered vehicles removed from the property; until she is able to get the dogs moved, she is working on making sure the dogs are kept securely on the property. Tatro said she is pushing to get the matter resolved. Selectmen advised those present that they have a very clear understanding of the problem.

**Credit card policy.** To advance a discussion begun at the June 12, 2012 meeting, at which time the Board received a draft credit card policy developed by interim Town Administrator Rich Busick and revised by Bookkeeper Theresa Louder, Selectmen agreed to consider the matter at a work session to be held on August 14, 2012.

**Assessment of C & S Wholesale Grocers airplane hangar** (100 Airport Road, Map 37 Lot 36-100). Assessing Coordinator Victoria Barlow appeared before the Board to discuss the 2011 abatement application for this property. Barlow reported that Vision Government Solutions appraisal manager Michael Tarello recommends changing the grade of the building to “average,” thereby reducing the assessed value to \$812,000. Selectmen authorized the revised assessment.

**Town Hall water fountain.** In follow-up to Board discussion at the July 10, 2012 meeting, O’Keefe reported that plumbing code requires provision of a water fountain at Town Hall, also necessitating continued water quality testing.

**Carpenter Home forestry plan.** In follow-up to Board discussion at the July 17, 2012 meeting, O’Keefe reported that he and Bay State Forestry forester Dan Cyr walked the Carpenter Home land on August 3, 2012. O’Keefe said that Cyr recommends a property-wide timber harvest in 2012 or 2013, and is preparing a proposal for Board consideration. O’Keefe said that a portion of the income generated from the timber could be used to repair the road on the property. O’Keefe said that Bay State Forestry manages approximately 60,000 acres of municipal land in the area; for 12% to 15% of the proceeds from timber sales, their services include marking trees for cutting, determining value, and monitoring the logging. Selectmen agreed to put the logging portion of the project out to bid.

**Town Clerk’s Office staffing.** In follow-up to Board discussion at the July 24, 2012 meeting, O’Keefe presented figures for Board analysis of increasing hours of the Deputy Town Clerk for the balance of the calendar year. Selectmen agreed that funds are available in the existing 2012 budget, and agreed to consider the matter at a work session scheduled for August 14.

O’Keefe presented to Selectmen an August 6, 2012 letter from Town Clerk Munson advising of her plan to change the hours of the Town Clerk’s office to 8:00 a.m. to 5:00 p.m., Monday through Thursday and closed on Friday, beginning October 1. The letter also addresses the effect of Wednesday afternoon Town Hall staff “quiet time” on Town Clerk office operations. Selectmen expressed concern that changes in availability of Town Hall staff may create a perception of reduced public service.

**Drainage in the vicinity of 85 Wilson Pond Road** (Map 19 Lot 26). In response of concerns raised by property owner Richard Dell’Erba in his 2011 abatement application, Public Works Director Lee Dunham reported on storm conditions at the time of Dell’Erba’s complaint (March 7, 2011). Dunham stated that an abundance of subsurface water affects properties in the Wilson Pond area. Dunham said that road and utility improvements have replaced the function of the drainage ditch located on Town-owned land adjacent to Dell’Erba’s property.

**DOT Annual block grant.** O’Keefe reported that each of the two 2013 payments will be for \$32,103.

**School Resource Officer reimbursement.** O’Keefe reported that he expects an opinion from Town counsel by week’s end.

**Tax lien research.** O’Keefe reported research conducted by Total Notice has yielded \$3,000 in payments.

### **NEW BUSINESS.**

**1989 Bombardier sidewalk tractor.** Public Works Director Lee Dunham appeared before the Board to discuss replacement of the tractor with a new or refurbished Trackless machine. Those present discussed issues with plowing the Town’s sidewalks, suitable equipment and its cost, financing options and available funds. Selectmen advised Dunham to discuss with members of the Sidewalk Committee the purchase from HP Fairfield of a refurbished Trackless sidewalk plow (estimated price, \$86,700). Selectmen asked O’Keefe to determine whether budgetary surplus Highway Department supply funds can be reallocated towards Highway Department equipment. Dunham proposed re-allocating no more than \$40,000 of the Department’s supply fund surplus towards the sidewalk plow.

**2013 International plow truck body and plow equipment.** Public Works Director Lee Dunham appeared before the Board to discuss the proposed expense of truck body and plow equipment for the new truck. Those present discussed vendors, models, replacement schedules, interchangeable parts, service, available budget and costs. *Motion* by Colby to authorize Dunham to purchase the truck body, plows and equipment from HP Fairfields (quoted price of \$51,400) and the sander from Donovan (quoted price of \$13,037) for a not-to-exceed total of \$64,437 to be funded from the Highway and Cemetery Equipment Capital Reserve fund. Motion includes authorizing the Chair or Town Administrator to execute any necessary paperwork. Second by Carlson. All in favor.

**Upper and Lower Wilson Pond dams.** Public Works Director Lee Dunham appeared before the Board to discuss May 22, 2012 hydrologic and hydraulic analyses of the dams prepared by DuBois & King, Inc. Selectmen asked Dunham to arrange for Bob Durfee of DuBois & King, Inc. to attend the September 18 meeting to discuss, in layman's terms, plans and options. Selectmen advised Dunham to discourage consideration of draining Wilson Pond as part of any solution.

**Funding for Old Richmond Road and Homestead Avenue repairs.** Public Works Director Lee Dunham appeared before the Board to request authorization to expend \$170,745 from the Town Roads Rehabilitation and Reconstruction Expendable Trust account. Following discussion, *motion* by Colby to authorize expenditure of \$170,745 from the Town Roads Rehabilitation and Reconstruction Expendable Trust account for repairs of Old Richmond Road and Homestead Avenue. Second by Carlson. All in favor.

**Home occupation, 47 Blake RD, Map 25, Lot 30-2.** Property owner Brad Lane appeared before the Board to seek the Board's approval that his proposal qualifies as a home occupation ("North Country Christmas Products," to sell holiday products, offer ice skating from November 27 through December 22, and conduct agricultural workshops on selected days in April/May.) Selectmen questioned Lane about proposed activities, agreed that the proposed use is of a temporary nature and is incidental to the primary use of the property, and agreed that the Planning Board will review all details of proposed activities. *Motion* by Carlson that the activity qualifies as a home occupation. Second by Colby. All in favor.

**Accept and expend unanticipated funds per RSA 31:95-b.** *Motion* by Colby to authorize acceptance and expenditure of unanticipated funds in the amount of \$25.00 from Kenneth and Alberta Gould (in memory of Ralph W. Wellington) for the Fire Department Gifts & Donations Expendable Trust; also, to authorize acceptance and expenditure of unanticipated funds as follows, for the benefit of Old Home Day:

- \$20.00 from Roaming Railroad
- \$30.00 from Bond Auto parts, Inc.

Second by Carlson. All in favor.

**Matthews Road conservation area.** O'Keefe reported that the Conservation Commission voted unanimously to name the former "Mill K" area the Riley Conservation Area. *Motion* by Carlson to accept the name "Riley Conservation Area." Second by Colby. All in favor.

**Computer upgrades.** O'Keefe and Selectmen discussed Town Hall computer hardware and software. At the Board's request, O'Keefe will prepare information on the cost of upgrades for the August 21 meeting.

**Future meetings.** Selectmen agreed to hold regular meetings on the first, third and fifth Tuesdays of the month.

**Non-public session -- RSA 91-A:3IIe, Pending claims or litigation**

*Motion* by Carlson to enter non-public session. Second by Colby, All in favor. Selectmen voted unanimously by roll call to go into non-public session pursuant to RSA 91-A:3IIe at 8:36 p.m. to discuss public health issues. Present were Selectmen, Town Administrator Shane O'Keefe, Health Officer Beth Ann Tatro and Recording Secretary Victoria Reck Barlow.

*Motion* by Carlson to seal the minutes until resolution of the matter. Second by Colby. All in favor. Motion by roll call to seal the minutes.

*Motion* to leave non-public session and return to public session by Colby. Second by Carlson. All in favor. Selectmen came out of non-public session at 9:13 p.m.

**CONSENT AGENDA.**

*Motion* by Colby to approve the consent agenda, authorizing the chair to sign where necessary. Second by Carlson. All in favor.

1. Appointment of Ed Morenz as Trustee of Trust Funds.
2. Event Permit #2012-14 for Mud Bog Boogie on 8/19/2012 at Cheshire Fairgrounds, sponsored by East Swanzey Fire & Rescue Co.
3. Event Permit #2012-15 for motorcycle swap and flea market on 9/23/2012 at Cheshire fairgrounds, sponsored by Wray Murdough.
4. Raffle Permit #2012-17 for various items on 8/5/2012 at Cheshire Fairgrounds, sponsored by Syd's Fund (after-the-fact, due to late application).

**ADJOURNMENT**

*Motion* to adjourn by Carlson at 9:40. Second by Colby. All in favor.

Respectfully submitted,

Victoria Reck Barlow  
Recording Secretary