

Selectmen's Meeting – October 4, 2011

Present were Selectmen Bruce L. Tatro, Deborah J. Davis and Nancy L. Carlson (arrived as noted at 7 p.m.). Town Administrator Elizabeth Fox was also present.

Chairman Tatro called the meeting to order at 6:30 p.m.

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

Ashuelot Rail Trail Project – TE Project improving rail trail corridor in Swanzey and Keene between Sawyers Crossing Road and Route 101. Project Manager Bruce Bohannon met with the board advising that the project was almost to close out stage. Field work is complete. Need to schedule a dedication/celebration was discussed with Bohannon advising he would look to coordinate with Keene aiming for a Monday this fall.

Compliance with FCC Narrowband Requirements. EMD Bohannon advised that required work modifying radios at the Police Department, Recycling Center, Public Works and Town Hall had been completed.

Citizen Concerns. Ernie & Jean Snow queried Selectmen regarding discussion of a request for grant funding directed to the Conservation Commission by the Ashuelot River Anti-Asphalt Plant group with the Chair advising discussion would be scheduled when Selectman Carlson arrived.

School Resource Officer. Selectmen were advised documents had been received from the district related to provision of police services in support of intervention with at-risk students. A query to the district regarding the documents received indicates that a date included may require adjustment. At this point, a suggested MOU for the school resource officer has not been received from the district. Various methods to bill costs for the SRO and police services provided to date were discussed with Selectmen suggesting exploring pro-rating over 180 days the funding available and billing the district accordingly.

Selectman Carlson arrived.

Conservation Commission. Selectmen considered action by the Conservation Commission on October 3, 2011 approving grant funding of \$3,000 to the Ashuelot River Anti-Asphalt Campaign as requested in correspondence from M. Ryan dated 10/3/2011. Commission members approved this requested based on the condition that the appropriation is an allowable use of town funds in the Swanzey Conservation Commission account in the view of the Board of Selectmen. An email detailing the Conservation Commissions decision, correspondence from M. Ryan and provisions of RSA 36-A were considered by Selectmen. Selectman Tatro advised that he had been served with a no trespass order by the Winchester Asphalt Plant owner following a visit to the property to see a family member who was working at the site. Members of the public present discussed others which had been served with orders (6 per Keene Sentinel article dated 10/4/2011) expressing concern that something must be occurring on the property that the owner did not want observed and discussing their observations of the plant and activity at the property to date. Selectman Tatro advised he would not be voting on the matter. Selectman Carlson, reviewing the provisions of RSA 36-A:5 express the opinion that the Conservation Commission has the authority to expend the Conservation Fund without the consent of Selectmen. Whether it would be prudent for the Commission to seek from counsel the opinion they had sought from Selectmen regarding whether appropriation of funds to finance legal representation retained by the Ashuelot Anti-Asphalt Campaign was an “allowable” use of town funds was discussed. Selectmen Carlson

and Davis concurred that Selectmen under the statute did not have a role in approving disbursement of Conservation Funds held by the treasurer pursuant to RSA 36-A. Whether providing financial support to the group could subject the Town of Swanzey to litigation and the potential impacts of supporting litigation against a neighboring community on the relationship between the 2 towns were discussed. Selectmen Carlson and Davis recommended the Conservation Commission seek an opinion from town counsel regarding whether the proposed use of town funds was “allowable” under state law. Concerns were expressed by Selectmen Carlson and Tatro that plant operations could result in pollution that harmed water resources in its vicinity including the river and aquifer. Communication of the Selectmen’s discussions to the Conservation Commission chair was discussed with Fox advising she would advise him.

Road Safety Audit – intersection of Sawyers Crossing Road & Route 32. Fox provided an update on a meeting between SWRPC representative J.B. Mack and town staff (Dunham, Fox and Carbonneau) discussing schedule for the road safety audit and assembly of the team required. Giving consideration to the required field work and observations to be done by the team anticipated to include town, school and NHDOT members and the need to observe conditions related to school activity, special and sports events (which peak in the fall and spring) an organizational meeting for the team is tentatively scheduled for late February 2012. Observations will be made during the spring season with the goal of producing a report with recommendations by early fall 2012.

Transit Services. Fox reviewed with Selectmen a query received from SWRPC representative J.B. Mack regarding whether the town might be interested in implementing limited transit along the Route 10 corridor. To move such a proposal forward, some financial support from the town or on behalf of the town would likely be required. Selectmen expressed willingness to meet and discuss transit services concurring that it would be prudent to include Susan Ashworth in the discussion as she is involved in the very limited mass transit now available.

MS 1- Summary of Assessed Value. A spreadsheet comparing raw total values by category in the Vision database was provided to Selectmen. It illustrates the continuing trend of increased growth in the portion of the town’s non-residential assessed value – Attachment # 1.

Viewpoint CDBG Feasibility Study. Review of the evaluation process for RFQ submissions which will result in a recommendation from the cooperative to the Board was discussed. Proposals are due 10/6/2011.

Town Meeting 2012 schedule. The potential for modification to the scheduled recently approved, given the likely modification of the primary schedule, was discussed. Impact to scheduling of the deliberative session, set for February 7th, is not anticipated but the schedule related to budget and bond hearings may require adjustment.

Mt. Caesar and Invasive Species - Buckthorn trees. Selectmen discussed information provided by Grace Lilly and reviewed information regarding activities on a limited number of City properties related to control of invasive species. Whether a leader would step forward to develop a volunteer effort focused initially on concerns regarding buckthorn on the summit of Mt. Caesar was discussed. Erosion of the vehicle access to the summit and whether the city airport (which utilizes the access for maintenance of the beacon) might partner in an effort to stabilize and improve the woods road was discussed.

Pending Fire Department matters and proposed replacement of Brush 2. Selectmen advised they wished to defer discussions until equipment purchase orders identified in development by

Chief Skantze were been submitted and a status report on department's expenditures/approved and requested purchase orders attributable to the operating budget and trust accounts are both available.

FD Call Pay Policy adopted 5/17/2011 & Appendix C. Selectmen approved modification of Appendix C deleting requirements resulting in duplication of the incident number and designation of the employee classification deemed redundant as department Personnel Action Forms have been approved which assign positions based on training levels – Attachment #2.

Health FSA for Plan Year 2010. Selectmen voted to designate funds received following the close of plan year 2010 to be used to reduce the cost of administering the FSA during Plan Year 2011 authorizing receipt of the funds as general government miscellaneous income.

Update of Allowable Levels of General Assistance Payments. Selectmen approved an updated schedule for housing/rents, food allotments, utilities and other expenses generally considered eligible under the town's program – Attachment # 3.

North Swanzey Water & Fire Precinct. An upcoming meeting with City of Keene for a water supply agreement replacing the interim agreement adopted November 2009 was discussed. An invitation has been extended to the town administrator by Precinct Chair Karasinski to attend the upcoming meeting between the City and Precinct and Selectmen requested she do so. Need to develop a mechanism to assess how to best position the town to ensure that necessary utility services are available was discussed. Obtaining the services of a consultant with experience in utility operations, finance and governance may advance this goal. Whether collaboration with Sewer Commissioners and Precinct Commissioners would be the most effective method for taxpayers and ratepayers (who are common to both the utilities and the town) was discussed.

Consideration of Minutes of Selectmen's Meeting of September 27, 2011. Selectmen approved as written the minutes of their meeting of September 27, 2011.

Non-public session – RSA 91-A:3IIa. Selectmen voted unanimously by roll call to go into non-public session at 8:40 p.m. Selectmen came out of non-public session at 8:55 p.m.

Assessment of Utilities and Fairpoint. Selectmen authorized payment of \$12,320 of an invoice from Sansoucy for provision of valuation services related to utilities and telecommunications poles and conduits from the expendable trust for revaluation and assessment updates.

Forest View Estates v. Town of Swanzey (LUCT). A copy of the court's order released that day was provided to board members.

Consent Agenda. Selectmen approved and executed the following consent agenda items:

- Raffle Permits #2011-18, 19 & 20.
- Event Permit #2011-16.
- Updated payment arrangement – M. Millwood.
- Request for withdrawal of funds dated October 4, 2011 from the Covered Bridge Capital Reserve fund for the balance of the town's share of expenses incurred for the Thompson Bridge Scour Countermeasures and Fire Suppression System Project.
- Lien Release, Tax Map 61 Lot 14.

- Re-execution of non-acceptance of deeds related to the Route 10 improvement project initially executed on 9/27/2011 as NHDOT was concerned that document quality did not meet registry standards – Attachment #4.
- Letter to Sevene re: Landscaping site plan security, Tax Map 57 Lot 118.
- Letter regarding reconstruction and roundabout plan proposed for Route 12, Lake Street & Swanzey Factory Rd scheduled for public hearing on October 11th.

Meeting adjourned 9:00 p.m.

Submitted by,

Elizabeth A. Fox
Town Administrator