

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting Minutes – August 28, 2012

Present were Selectmen Deborah J. Davis, Nancy L. Carlson and Kenneth P. Colby, Jr. Also present were Town Administrator Shane O’Keefe and Recording Secretary Victoria Reck Barlow. Chairman Davis called the meeting to order at 6:20.

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

CONSIDERATION OF MEETING MINUTES.

Minutes of August 21, 2012 regular meeting. *Motion* by Colby to approve the minutes of the August 21, 2012 regular meeting, with the correction of several minor typographical errors and the use of the word “connector” in relation to Marcy Hill Road repairs. Second by Davis. All in favor.

OLD BUSINESS.

Consideration of abatement application 2011-025 (Map 68, Lot 10; 100 Cram Hill Rd).

Continuing a discussion with property owner Michael Gomarlo which began at the August 21, 2012 meeting, Selectmen considered additional information presented by Gomarlo.

Gomarlo’s presentation included: Early photographs of the subject property; Gomarlo’s opinions regarding the classification (for assessing purposes) as “conventional” of the property shown at Map 68 Lot 5; Gomarlo’s opinions regarding the classification (for assessing purposes) as “Cape Cod” of the property shown at Map 56 Lot 10; Gomarlo’s recommendation that the location of the property shown at Map 48 Lot 3 be assessed as equivalent to the subject property; NH tax structure and its effect on developing housing, as well as the need for an income tax; the effect of conservation easements on the housing market and Town services; and the history of construction and ownership of several properties considered by Gomarlo to be comparables. Gomarlo said that his chief concern is that certain more recently built (and thereby “more livable”) properties are assessed at lower values than his property; a more livable house with more space should have a higher assessed value, Gomarlo said.

Gomarlo said that both 529 West Swanzey Rd (Map 56 Lot 10) and 227 Atkinson Hill Rd (Map 68 Lot 5) are more desirable than the subject property. Gomarlo said that the location of 227 Atkinson Hill Road is very desirable because the owners “don’t have people stopping in front of their house every five minutes trying to look at the view.” Gomarlo said that the old Capes in Swanzey are historic and should be maintained; all old Capes should be assessed “the same,” Gomarlo said.

Gomarlo said that, in his opinion, the assessment process should be straightforward enough for him to be able to figure out his own assessment. Speaking as Assessing Coordinator, Barlow responded to several of Gomarlo’s points, including the effect of location on the assessed value of a property. Davis advised Gomarlo that the Board intends to schedule a session with a representative from Vision Government Solutions to discuss the subject property as well as mass appraisal in general. Gomarlo left the meeting after making his presentation.

Selectmen briefly discussed and then agreed to postpone consideration of an adjustment to the property’s value until after meeting with the Vision representative. O’Keefe said he would inform Gomarlo of this decision in writing, and also remind Gomarlo of his right to appeal either at the NH Board of Tax and Land Appeals or in Superior Court, with the filing deadline of September 1, 2012.

Consideration of abatement application 2011-022 (Map 19, Lot 26; 85 Wilson Pond Rd).

Following a discussion with property owner Richard Dell'Erba at the July 24, 2012 meeting, as well as an August 7, 2012 discussion with DPW Director Lee Dunham regarding roadway and drainage conditions in the vicinity of the property, Selectmen discussed the abatement application that was denied by the Board on June 26, 2012. Selectmen noted that the Board had granted an abatement in 2010. Selectmen reviewed materials analyzing the property owners' application, supporting the conclusion that further adjustment of the assessed value would be inconsistent with the assessed values of comparables. O'Keefe said he would inform Dell'Erba of this decision in writing, and also remind Dell'Erba of his right to appeal either at the NH Board of Tax and Land Appeals or in Superior Court, with the filing deadline of September 1, 2012.

Update on credit card policy. In follow-up to Board approval of a credit card use policy at the August 14, 2012 meeting, O'Keefe reported that Citizens Bank will not issue a single card for use by all Town departments. Following industry standards, O'Keefe said, the bank would require that a corporate credit card issued under the Town's name also bear the name of an individual cardholder. Selectmen considered whether individual Town credit cards should be issued to heads of departments, concluding that six cards would be required. Selectmen unanimously disapproved of this approach and agreed to table the issue, pending further research by Colby.

OTHER MATTERS.

Noise ordinance. O'Keefe advised Selectmen that, although RSA 31:39(I)(n) authorizes towns to make bylaws for regulating noise, RSA 41:14-b (adoption and amendment of Town codes and ordinances) only authorizes the Selectmen of towns with 10,000 or more inhabitants to establish and amend town ordinances and codes (after holding two duly noticed public hearings). O'Keefe advised Selectmen that the noise ordinance therefore has not been legally adopted and, in order to be adopted, would have to go before the voters as a warrant article. Selectmen discussed whether the Town's dog ordinance and bridge ordinance had been adopted legally. O'Keefe said that statutory provisions allow the Board to adopt some ordinances without Town Meeting approval. Selectmen asked O'Keefe to discuss the matter with counsel.

Scheduling annual evaluations. Selectmen tentatively scheduled a work session for October 9.

NEW BUSINESS.

Map 33, Lot 9 (710 Old Homestead Highway) payment arrangement. O'Keefe reported that property owner Marshall Millwood seeks to arrange monthly payments of \$400.00 towards outstanding property taxes. *Motion* by Carlson to authorize the Chair to execute, on behalf of the Board, a payment arrangement letter stipulating that Millwood shall make monthly payments of a minimum of \$400.00, with additional monthly payments encouraged. Second by Davis. All in favor.

Voting delegate to NHMA Legislative Policy Conference. Selectmen deferred designating a delegate to represent Town interests at the September 21, 2012 conference. Selectmen requested agenda time at the September 4, 2012 meeting to review issues.

Board of Tax and Land Appeals settlement meetings. Selectmen discussed Board approach to scheduling BTLA-ordered settlement meetings, agreeing to meet with three property owners per session, as needed.

Northern New England Telephone Operations LLC abatement application (2011-031).

Assessing Coordinator Barlow advised the Board that, according to the Court clerk, the applicant filed an appeal on August 28, 2012 with the Cheshire County Superior Court.

OTHER MATTERS.

Board meeting with Vision Government Solutions. Continuing a discussion begun at the August 21, 2012 meeting, Selectmen considered questions to bring before a Vision representative at a future Board meeting (to take place before the end of October). Topics are to include the process of setting value and establishing consistency of values, as well as instruction in explaining assessments to property owners. At the request of Selectmen, Assessing Coordinator Barlow will provide a tutorial in analyzing assessing cards at the next Board meeting.

September Board meetings. Selectmen agreed to conduct meetings on September 4 and September 18, scheduling no meeting for the September 11 election day.

Scheduling meetings with heads of departments. Selectmen expressed their desire to meet regularly, on a rotating basis, with heads of departments.

Purchase of heating fuel. Selectmen and O'Keefe discussed coordination of fuel purchase with SAU 93. Selectmen asked O'Keefe to request bids from heating fuel vendors.

CONSENT AGENDA.

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

1. MS4 form.
2. Event Permit #2012-18 for Keene Air & Auto Show on 9/8/2012 and 9/9/2012.
3. Property values per RSA 75:1-A (residential property subject to a housing covenant under the low-income housing tax credit program)

ADJOURNMENT.

Motion to adjourn by Carlson at 7:51. Second by Colby. All in favor.

Respectfully submitted,

Victoria Reck Barlow
Recording Secretary