

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting Minutes – December 18, 2012
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen Deborah J. Davis, Nancy L. Carlson, and Kenneth P. Colby, Jr. The meeting was called to order by Chair Deborah Davis at 6:12 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O'Keefe, Recording Secretary Beverly Bernard, and Town Planner Sara Carbonneau.

OTHERS PRESENT

Fire Chief Norm Skantze, West Swanzey Athletic Association (WSAA) President Paul LaFond, Doris LaFond, Margie Read and Charles Beaugard, Jr.

MINUTES

Regular meeting of December 11, 2012 – motion by Carlson to approve the minutes with corrections, seconded by Colby, all in favor. *Motion passed.*

Non-public meeting(s) of December 4, 2012 and December 11, 2012 motion by Colby, seconded by Carlson, all in favor. *Motion passed.*

OLD BUSINESS

Discussion of possible acquisition of property – Chair Davis welcomed the folks from the WSAA and asked Carbonneau to review her research done on the costs of demolition of the building being offered for sale by the WSAA. Carbonneau reported that there is a website that can be used to estimate costs associated with demolition of a building and using that, Carbonneau got a price somewhere between \$25,000 to \$30,000. A Level one site assessment is \$1,500 to \$1,700. The Town would also need an asbestos assessment which is estimated at costing between \$350.00 and \$650.00. Carbonneau said it was not clear if a lead analysis would be needed but that would cost about \$300.00. The building in question is covered in vinyl siding. The LaFonds said that they didn't think there is much asbestos in the building. Heat is baseboard and there is no heat upstairs. Colby asked about the insulation around the pipes. Colby said he estimates, given the figures provided, that it would cost between \$27,000 and \$32,000 for the assessment and demolition of the building. Carbonneau used 30,000 sq feet for the size of the building to calculate demolition costs and Beaugard said he thinks it is half that size. The lot size is .7 acres. Carbonneau pointed out 30,000 sq feet is for two stories with approximately 15,000 sq feet per story. She said that it was her opinion that the maximum cost for demolition would be about \$30,000. The fact that the river is proximate to the building might be a concern from an environmental perspective and another factor is how much of the material would be considered "clean fill".

Colby reported the results of meeting with the Open Space Committee (OSC) regarding the possibility of purchasing the property. The OCS was enthusiastic about the idea of buying the property and turning it into open space (a park) and they provided a vote of confidence for the Board to move forward with the understanding that the specifics hadn't yet been worked out.

Beaugard said that he also had spoken to some people who are positive about it. Colby said that he would have to review the procedural requirements of the statutes to make sure the Board was following them, but that he thought that two public hearings would be required and the Planning Board and the

Conservation Commission would have input. Davis said the Board wanted to narrow down the dollars and cents offer. Colby told the LaFonds that the Board has to discuss what the Town is willing to offer.

Fire Chief Skantze who was in the audience was asked by Beauregard whether a controlled burn could be done on the building. Skantze replied that it could be done but with the proximity to the mill and the covered bridge he thought that the radiant heat might be dangerous to both.

Colby asked Skantze whether he had noticed asbestos in the building. Skantze responded that it isn't easy to tell what is asbestos and what isn't since you cannot tell by just looking at the pipe wrap. The wrap has to be analyzed.

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(d) to consider acquisition of real property, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 6:30 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard. **Motion** by Carlson to seal the minutes of the non-public session until the issue is resolved. Second by Colby. All in favor. **Motion passed.** **Motion** by Carlson to leave non-public session and return to public session. Second by Colby. All in favor. **Motion passed.** Non-public session ended at 6:45 p.m.

Upon return to public session, Davis announced that the Board is prepared to offer \$50,000 to the WSAA for the property and include abatement of all and any property taxes with the contingency that the assessments are completed, demolition costs are acceptable to the Board, favorable input comes from the Planning Board and Conservation Commission and public hearings are held. After a brief discussion with the LaFonds, Beauregard said that the counter offer is \$55,000 with the same stipulations. The Board came back with \$53,000. The LaFonds discussed it further with Beauregard and they said they understood the costs the Town would have for demolition. Carlson also pointed out that the Town can't waive the sewer and water fees since that is the jurisdiction of other agencies. The LaFonds said they are being charged \$85.00 per month for sewer and O'Keefe explained that the charge is probably for the basic hookup - the ability to have sewer. Davis countered with \$53,100 to cover the water costs. \$53,500 was suggested by Doris LaFond and the Board accepted that figure. Beauregard will do all the paperwork and drop it off to O'Keefe. Davis asked about the amount of the binder. Beauregard said it would be \$1,000.

Motion by Colby to authorize Davis to sign any and all paperwork involved, seconded by Carlson. All were in favor. The **motion passed.** The Board rose to shake hands with the LaFonds, Beauregard, and Read when Beauregard mentioned that the WSAA will leave the property on the market. Beauregard said that there could be a secondary offer coming in. The Board needed to discuss the issue further and decided to go back into a non-public session.

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(d) to consider acquisition of real property, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 6:54 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard. **Motion** by Carlson to seal the minutes of the non-public session until the issue is resolved. Second by Colby. All in favor. **Motion passed.** **Motion** by Carlson to leave non-public session and return to public session. Second by Colby. All in favor. **Motion passed.** Non-public session ended at 6:55 p.m.

Chair Davis told the WSAA that the only way the Town was willing to go forward was to have until February 15, 2013 to get everything done. O'Keefe said the Town has to spend money on the assessments and it can't have it being sold to a second person while those assessments are being done.

Beauregard discussed it with his clients. The Town is making an earnest contract and the person coming in Thursday to see the building hasn't made an offer. The WSAA officers confirmed they would accept the offer with the understanding that the Town has until February 15, 2013 to complete the sale (complete assessments, input from committees, and input from Public Hearing). There was more shaking of hands between the parties in acknowledgement of the agreement and the implied contract between the parties.

Beauregard said he would get paperwork to Davis for her to sign this week. O'Keefe said they have to arrange to have a check cut in short order. Carlson said it can come from the Selectmen's miscellaneous account. Board members agreed that a \$1,000 binder would come from the Selectmen's miscellaneous account.

The WSAA officers and Mr. Beauregard and Town Planner Sara Carbonneau left the meeting at 7:00 p.m.

Discussion of fire apparatus purchase – Fire Chief Skantze joined the meeting. Davis said the Board never told Fire Chief Skantze at the previous meeting whether or not they would approve the ladder truck that he had requested. Colby asked about the line item Q2B siren at \$2,000. He noted that the building housing the trucks was extended, but this truck doesn't need the extra space. Chief Skantze said now they have some storage capacity.

A discussion was held regarding the account from which the money would come to pay for the truck. Skantze said the amount in the account was \$147,000 and they spent \$40,000 for the other truck. He needs \$82,982 for the purchase of the ladder truck in question. O'Keefe reported that as of June 30, 2012 there was \$107,000 in the account and that an additional \$80,000 would be added this year.

Carlson made a **motion** to purchase from New England Fire Equipment and Apparatus, Inc. of 10 Stillman Road North Haven, CT a 1998 Pierce 75' Quint ladder truck with funds to come from the Capital Reserve Fire Trucks account in the amount of \$82,982.00, and to authorize Town Administrator Shane O'Keefe to sign the vehicle purchase order and any other documents necessary to acquire and register the vehicle. Seconded by Colby, with all in favor. **Motion passed.**

Expend funds for the Fire Department

At the October 30, 2012 meeting the Board authorized an expenditure of \$5,620 for pages and re-programming work from the Emergency Communications Trust fund (\$4,100 for the pagers and \$1,520 for re-programming work) for the Fire Department. The invoice from the supplier came in at \$4,150 for the pagers and \$1,520 for the re-programming work, leaving \$50.00 unaccounted for. The Board authorized payment of the extra \$50.00 and a total expenditure of \$5,670.00 by **motion** from Carlson, seconded by Colby - all in favor. **Motion passed.**

Accept and expend donated gifts for trust fund per RSA 31:19-a IV

The Board was asked to accept and expend funds in the amount of \$25.00 received for the Fire Department Gifts & Donations Expendable Trust from the Gould family in memory of Ralph W.

Wellington. The gift was originally authorized under RSA 31:95-b on 8/07/12 but should have been done under RSA 31:-a IV as the funds were going to the Trustees of Trust Funds.

The Board was also asked to accept and expend funds in the amount of \$100.00 received for the Fire Department Gifts & Donations Expendable Trust from the Goodband family in appreciation of efforts to save their house. Colby **moved** to accept and expend donated gifts in the amount of \$25.00 and \$100.00 to the Fire Department Gifts & Donations Expendable Trust under RSA 31:19-a IV and it was seconded by Carlson, with all in favor. The ***motion passed.***

Request to allow encroachment on Town property (South Road Ballfields)

Kristen and Sean Flemming had a survey completed of their land which is situated adjacent to Town owned property currently being used for ball fields on South Road. As a result, the Flemmings learned that they are encroaching on Town land. They want a document from the Town that will allow them use of that piece of property. Colby suggested a copy of the motion in the minutes be the document. O'Keefe said the proper document would be a revocable license. O'Keefe asked if the Town should ask the Flemmings to reimburse the Town for legal fees associated with producing a license. Carlson said that the Town could do a license but the Flemmings should bear the cost of producing the license by either paying for the Town's legal expenses or using their attorney at their expense. The Board authorized O'Keefe to write a response to the Flemmings providing the information as to the Board's decision to provide a revocable license agreement between the Town and the Flemmings, with legal fees to be paid by the Flemmings.

Request for tax abatement due to miscalculation of square footage of property located at 3 Centerview Drive (Map 35, lot 38)

Inaccurate building measurements were taken for property at 3 Centerview Drive. The original assessed value for the house was \$197,700 based on the original measurements. The value of the house is now \$191,800 based on the correction in measurements. Colby made a **motion**, which was seconded by Carlson, to provide a tax abatement of \$98.95 due to miscalculation of the square footage of the property. All were in favor. ***Motion passed.***

Non-Public session per RSA 91-A:3II(c) Reputation - Lien

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(d) to consider a Notice of Lien on Real Property Pursuant to RSA 165:28 for Aid Given by the Town of Swanzey, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 7:25 p.m. ***Motion passed.***

Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard.

Motion by Carlson to seal the minutes of the non-public session. Second by Colby. All in favor. **Motion passed.** **Motion** by Carlson to leave non-public session and return to public session. Second by Colby. All in favor. **Motion passed.** Non-public session ended at 7:28 p.m.

Accept and expend unanticipated funds per RSA 31:95-b

As a result of the Police Department's "Decembeard" whisker enhancement efforts, which were discussed at the November 27, 2012 meeting, the Police Benevolent Association (PBA) has been raising funds for local families and proposed to give the funds to the Town for distribution through the general assistance program. The Board accepted the funds from the PBA under RSA 31:95-b up to a maximum of \$4,999 and authorized their expenditure by the Town for general assistance, including the \$750.00 coming directly from the PBA membership, by **motion** from Colby, seconded by Carlson, with all in favor. **Motion passed.**

Authorization of Personnel Action Report

Motion by Carlson, seconded by Colby for Town Administrator O'Keefe to sign a personnel action report for a Town employee. All were in favor. The ***motion passed.***

Discussion on the Information Technology Policy proposed for the Town

Carlson said she was concerned about changing the Web address, or URL, for the Town as suggested by O'Keefe. She pointed out that current stationary used by the Town has the existing URL. O'Keefe said a re-direct is used so that an old URL can continue to be used on old brochures and letterhead paper that will direct anyone using the old URL to the new one automatically. Carlson asked O'Keefe about the Town Hall employee's reaction to the changes that would have to be made. O'Keefe reported that Town Planner Carbonneau is not supportive of the idea due to the need to change stationery and business cards as well as the familiarity that people have with the existing address, and he suggested that perhaps she was unaware of the re-direct capability. He also reported that Bookkeeper Theresa Louder was not supportive of the URL change as she felt it was unnecessary..

Colby said he thinks that for email it makes sense to use *.gov, but not for the website. There is a cost associated with it, maybe 20 hours worth of work according to the Town's technology provider. The Board decided they would not act on this matter for now.

O'Keefe said that another point for consideration suggested by EMF, Inc. to the policy has to do with the use of the internet for other than Town business. Carlson said she knows the employees and they are too busy to spend time on personal matters and that no changes are necessary from what folks are doing now.

O'Keefe pointed out that that EMF, Inc. also recommended a disclaimer on every email which would sit at the bottom of each email message. The Board agreed that Town email should have this disclaimer. Carlson made a **motion** to adopt the Information Technology Policy & Procedures for the Town of Swanzey, effective January 1, 2013. The motion was seconded by Colby, all in favor. ***Motion passed.***

Authorization of a Town Credit Card

A discussion was held regarding the Town obtaining a credit card through the Cheshire County Federal Credit Union for small purchases. Carlson asked about the potential conflict of interest with Lynda Faulkner acting as both the Manager of the Cheshire County Federal Credit Union and the Town's Deputy Treasurer. Colby said he didn't think it was an issue. He consulted with other credit unions and banks as well. Cheshire County Federal Credit Union was the 3rd source investigated. The card is controlled by Visa, not the Credit Union. Davis said the Board needed to designate the four (4) people using the card. It was decided unanimously that the four would be: Police Chief Tom DeAngelis, Town Administrator Shane O'Keefe, Department of Public Works Manager Lee Dunham, and Fire Chief Norm Skantze. Other folks need to go to O'Keefe if they need to use a card. The card should be kept at Town Hall and it should not be out of the building more than 24 hours and it should be signed in and signed out. The maximum on the credit line is \$5,000. A **motion** was made to adopt a resolution to open a credit card account with the Cheshire County Federal Credit with a maximum line of credit of \$5,000 by Carlson, seconded by Colby, all in favor. ***Motion passed.***

Open Space Committee (OSC) Letter regarding the nomination of Deb Crowder for dedication of the Annual Report

O’Keefe provided to the Board a letter received on the day of the meeting from OSC chair Jeanne Thieme asking the Town to honor Deb Crowder by dedicating the Annual Report to her. Colby said he thought it was premature to select someone. He said that there other folks to consider like Beth Fox and Dave Krisch. Colby tossed the names out just to make the point that there are a number of folks who would also be worthy of being dedicated. He wasn’t necessarily suggesting those names to be considered.

Requisition Vouchers

O’Keefe suggested that expenses related to the Carpenter Home new room construction come from accumulated unrestricted income of one of the common trust funds dedicated to the Carpenter Home. He suggested that the money come from the George Whitcomb, Jr. fund specifically, which as of 12/31/2011 had a balance of \$25,696.20. Final total expenditure for the project was \$10,497.26. Colby made the **motion** to request that the Trustees of Trust Funds utilize funds from the unrestricted income of the George Whitcomb, Jr. fund for this project, seconded by Carlson, all in favor. **Motion passed.**

Other vouchers to the Trustees of Trust Funds were as follows: Fire Stations & related Facilities Expendable Trust, amount requested, \$4247.79, Fire/Rescue Tools & Equipment Expendable Trust fund for \$66,779.00, Emergency Communication Expendable Trust, \$19,738.86, Fire Trucks Capital Reserve, \$39,670.25, Town Roads Rehab, \$160,950.81, highway & Cemetery equipment capital reserve \$162,37.00, Highway & Cemetery Equipment Capital Reserve, \$84,355.00, Recycling Center improvements capital reserve, \$4600.00 Carlson made a **motion** to approve all the vouchers, seconded by Colby, all in favor, **motion passed.** The Board signed the vouchers at the meeting.

Review of Accounts Payable

Carlson saw an accounts payable line item for thermal imaging cameras. She thought that this had already been paid. Fire Department Chief Skantze was reached at home by phone. He said that the cameras are on order and the check cut in 2012, but the check will not be mailed to the supplier until the cameras are received.

The Board voted to encumber the balances remaining in the following accounts by roll call vote:

Timber Proceeds for Management Plans	01-2220-1-004
Swanzy Lake Dam Beautification	01-2220-1-002
FEMA Projects – October 2005 Floods	01-4313-1-690 & 01-3359-3-001
LGC Well Dollars Grant (Awarded 2009, Received 2010)	01-2220-3-001
Welcome to Swanzy Sign Fund	01-2220-3-001
Swanzy Rural Character Project	01-2220-3-001
Cobble Hill Culvert FEMA Revenue	01-2220-3-001
East Hill: Brown Memorial Field Range Hood Grant	01-2220-3-001
Donations in Memory of Robert A. Beauregard	04-2220-1-001
Donations in Memory of Roger W. Conway	04-3509-2-002
Donation: Fuel Assistance for Needy Residents (2011)	01-2220-3-001
Energy Conservation Measures (TM 2011-Article 6)	01-4901-1-710
Warmac & Cobble Hill Road Bridge Projects (TM 2011-Article 5)	Fund 5
Infrastructure Design Manual	01-4191-1-320
Keene Wastewater Treatment Plant upgrade (TM 2012-Article 2)	Fund 3

Rail Trail Phase II Donations & Other Misc. Income	Fund 7
Donations: Decembeard (for benefit of needy)	01-3508-2-002
Donations: Old Home Day	01-3401-7-002
IPS Industrial Fire Protection (SCBA testing)	01-4220-2-630
Thermal Imaging Cameras (TM 2012-Article 5)	01-4901-2-740
Sale of Town Property: Fire Department Trucks	01-3501-1-001
FEMA Projects – August 2012 (Hurricane Sandy)	01-3359-3-001 & 01-4313-1-690

Discussion on proposal to replace Town Hall computers

Davis said she was stumbling over the cost of the replacing the computers and Carlson said the timing isn't the best. O'Keefe said that employees, including him, are wasting their time struggling with old hardware and software. Carlson said that the several new employees need to learn about the Town, the computer systems we have, and it is frustrating to make the change while being an expense that is a lot of money. Carlson said that the systems the Town has have been updated over the years. She is hesitant to replace the whole system now. Colby said it is a high expense, and he would look a little more favorably on the proposal after the various Town Meeting processes have been completed. O'Keefe said that the vendor has done a very nice job for the Town over the years and has put together a sound proposal. Carlson said the Town recently lost employees that had been here for 20+ years, and that she thinks that it is important for new employees to learn the software that is here now. O'Keefe said he strongly recommends the upgrade of both hardware and software as Employees are being frustrated by the hardware and software inadequacies and are not working as efficiently as possible. Carlson said she has a problem with making a change when the Town has new employees. Only Carbonneau and Lounder who have been here at Town Hall for a long time have expressed a reluctance to upgrade the systems. O'Keefe said he doesn't anticipate the same level of disruption that Carlson thinks might happen, citing the fact that most Town Hall employees have indicated that they have more up-to-date computers at home. Davis said she isn't computer literate enough to make comments. Colby said that maybe after the meeting season, the Board will consider it. New employees should have become used to the systems they are using by then. O'Keefe said he didn't see how being new relates to the computers. Carlson said folks don't like change. Colby said that it takes time when systems are slow, and time is money. He is willing to address it in the near future. **Motion** to table any replacement of Town Hall computers for now by Colby, Carlson seconded, all in favor. **Motion passed.**

Review of Budget 2013

Fire Department requests

O'Keefe reviewed the requests for Capital Reserve Expendable Trust Accounts, and said that the Fire Department asked for \$30,000 to be raised for the Fire Department Tools & Equipment Expendable Trust, which wasn't asked for last year, but had received in 2011. The request wasn't in the minutes as part of the discussion, but it was in Chief Skantze's written request. O'Keefe got Skantze on a speaker phone to discuss with him the \$30,000 in the expendable trust line item. Skantze said it is for equipment purchases. Carlson asked why he didn't ask for it in his operating budget. He said he can ask for the money any way the Board prefers. Colby explained that the Expendable Trust account is kind of a rainy day fund. You let it grow and only use it when needed. Skantze said he is okay with putting the request in the operating budget if that will work better for the Board. The philosophy behind an expendable trust is to be able to purchase capital equipment. If you need annual purchases, that should be in a line item in operating budget. Colby asked why in the operating budget with a line item of \$5,000, he spent \$20,000 in 2011 for Tools & Supplies. Skantze said he didn't have his records before him and would have to research that and get back to the Board. Colby asked if the \$30,000 request could be lowered a bit to

help the budget. Carlson said it was completely zeroed out last year, and the Board would prefer to get it back in gradually so it doesn't look so drastic at the Deliberative Session. Skantze said he would be happy to do that. He said that there isn't a single \$50,000 item, just a lot of little things that add up. The Fire Department needs to be constantly upgrading so that they don't fall too far behind. There is \$76,000 in the expendable trust now. Carlson said she thinks the Board could add \$10,000 this next year for the Fire Department. The Fire Department has \$76,000 in the bank now and she suggested that the Board put in \$10,000 for the Fire Department Tools & Equipment Expendable Trust.

Carpenter Home rate increase

Davis said she is a bit anxious about the rate increase for the Carpenter Home when other assisted living facilities have private baths at the same price. The Carpenter Home doesn't have private baths and it is hard to keep residents. Davis said with the rate increase approved on December 4, 2012 and confirmed at the previous meeting by the Board, the Carpenter Home has a higher rate than other homes in the area and doesn't have the same level of amenities. Davis said they are interested in breaking even (Lucy Carpenter wanted it that way), not making money on the home. Carlson asked if the new rates had been published yet, effective February 1, 2013. If not, then perhaps the Board could rescind the new rates so they would be the same as last year. Colby asked what percentage the Board raised the rates. Carlson said she would rather lose one percent than lose a resident. Decision was a 1% raise in rates as of January 1 or as soon as permitted by existing laws (which necessitated a February date). **Motion** by Carlson to reverse the decision of December 4, 2012, and return to 2012 rates for the Carpenter Home, seconded by Colby. Colby thinks that Carpenter Home Director Dawn Rice should be present for discussion on future rate increases. All in favor. **Motion passed.**

The Board said that changes in the budget spreadsheet shown in the 12/18/2012 version are okay with the Board with the exception of the changes that need to be made for the Fire Department part-time salaries.

Evaluation Workshop Scheduled

The Board discussed scheduling for employee evaluations. In addition to annual reviews pending for the Public Works Director, the Fire Chief and the Carpenter Home Director, reviews are also necessary for the Police Chief, who has been on board for almost a year, and for 6-month evaluations for the Town Administrator and the Solid Waste Manager. Davis said they need more evaluation forms, which O'Keefe was asked to provide. Davis reported that she will not be at the January 8, 2013 Board meeting. Carlson asked if they could do the evaluations during the day, maybe at the Police Department. The Board decided to do their evaluation work session on January 14, 2013 and Carlson will call the Police Department to arrange for the meeting at 9:00 a.m. - through noon. The evaluation work session is conducted during a non-public meeting, and only the Board members will attend.

O'Keefe said that he believed the Board needed an additional meeting to finalize some end-of-the-year tasks. It was decided to schedule that meeting for December 27, 2012, at 6:30 p.m.

O'Keefe reported that department heads had discussed the potential for Town ID cards with picture IDs for both employees and Board and Committee members. The estimated cost is \$1700 for the equipment and related supplies. He stated it was just an idea that could prove helpful to employees in various circumstances, but that can be put off to another time.

CONSENT AGENDA

- BTLA Settlement Agreement for 124 Partridgeberry Lane (Map 41, Lot 74)
- Notice of Lien
- Holiday and Paid Time Off Schedules for 2013
- Authorization for carry-forward appropriations
- Requisition request for Trustees of Trust Funds
- Reimbursement/transfer from Conservation Fund to General Fund

Motion to adjourn by Carlson, seconded by Colby, with all in favor. ***Motion passed.***
Adjournment at 9:50 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 27, 2012

TOWN OF SWANZEY, NH

Board of Selectmen Minutes of December 18, 2012 Non-Public Session, Session 1

Present: Deborah J. Davis (Y)N Nancy L. Carlson (Y)N Kenneth P. Colby (Y)N

Motion to enter non-public session made by Colby

Seconded by Carlson

Specific statutory reason cited as foundation for the non-public session:

- RSA 91-A:3II(a) - The dismissal, promotion or compensation of any public employee or the disciplining of such employee or the investigation of any charges against him unless the employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted.
- RSA 91-A:3II(b) - The hiring of any person as a public employee.
- RSA 91-A:3II(c) - Matters that, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.
- RSA 91-A:3II(d) - Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- RSA 91-A:3II(e) - Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any body, board or agency for the purposes of this subparagraph.

Roll call vote to enter non-public session:

Deborah J. Davis (Y)N Nancy L. Carlson (Y)N Kenneth P. Colby (Y)N

The Board entered into non-public session at 6:30 AM/PM.

Other persons present during the non-public session: Town Administrator Shane O'Keefe (Y)N
Recording Secretary Beverly Bernard

Description of matters discussed and final decisions made:

The Board discussed acquisition of the West Swanzey Athletic Association (WSAA) property at 53 West Main Street (map 57, Lot 50). The discussion centered on dollars and cents. Colby said that he thought that the offer should be \$50,000 with abatement of the taxes cognizant of demolition costs. Davis said the Town can't abate the sewer fees. The current owners would have to maintain the electricity and security lights outside the building. Given the offer of \$50,000 for the property \$85,000 would be total assuming \$50,000 plus \$35,000 for demolition and assessment work. Colby suggested that they go in a little low and with any balking from the owners, to \$55,000. Carlson said a difference of \$5,000 wouldn't make a big difference to the real estate agent. Carlson said she did not want to go more than \$55,000. She said any and all taxes would be abated. O'Keefe said it would make sense to conduct the phase 1 assessment right away. Davis said if the Board was in agreement, a check would have to be cut to secure the deal. It was decided that somewhere between \$1,000 and \$5,000 would be a reasonable amount to secure the deal, contingent on the two boards input and the public hearings. O'Keefe suggested the Town could offer them more if they demolish the building and deliver it to the Town that way. Carlson didn't think the WSAA would be interested in doing that. Davis said they might have

Description continued on next page? (Y)N

Continuation of Description from first page, if any:

other interested buyers, but that also might be a ploy to get the Town to make an offer. Colby said that Davis should present the offer since she is the Chair. The offer will be \$50,000 with abatement of any and all property taxes, but not sewer fees, subject to an environmental review, site assessments, asbestos assessment, and to the hearing process with input from the Planning Board and Conservation Commission.

Carlson asked the purpose of the Board going to the Conservation Commission and to the Planning Board. O'Keefe said that the two committees have advisory capacity. Carlson said she wanted to come in under \$100,000 for the entire project.

Motion made to seal these minutes? If so,

motion made by Carlson, seconded by Colby

to not publicly disclose the minutes because it is determined that divulgence of information likely would:

- Affect adversely the reputation of any person other than a member of the Board
- Render the proposed action ineffective.
- Pertain to preparation or carrying out of actions regarding terrorism.

Roll call vote to seal the minutes:

Deborah J. Davis (Y)N Nancy L. Carlson (Y)N Kenneth P. Colby (Y)N

Motion: Passed / ~~Did not pass~~

Motion to leave non-public session and return to public session by Carlson

Seconded by Colby Motion: Passed / ~~Did not pass~~

Public session reconvened at 6:45 AM/PM

These minutes recorded by Beverly Bernard

These Minutes approved by the Board of Selectmen on 1/8/2013

NOTE: RSA 91-a:3(III) Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that the divulgence of the information likely would affect adversely the reputation of any person other than a member of the Board, or render the proposed action ineffective. In the event of such circumstances, information may be withheld until, in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

unsealed on 2/25/2014 

TOWN OF SWANZEY, NH

Board of Selectmen Minutes of December 18, 2012 Non-Public Session, Session 2

Present: Deborah J. Davis YN Nancy L. Carlson YN Kenneth P. Colby YN

Motion to enter non-public session made by Colby

Seconded by Carlson

Specific statutory reason cited as foundation for the non-public session:

- RSA 91-A:3II(a) - The dismissal, promotion or compensation of any public employee or the disciplining of such employee or the investigation of any charges against him unless the employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted.
- RSA 91-A:3II(b) - The hiring of any person as a public employee.
- RSA 91-A:3II(c) - Matters that, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.
- RSA 91-A:3II(d) - Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- RSA 91-A:3II(e) - Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any body, board or agency for the purposes of this subparagraph.

Roll call vote to enter non-public session:

Deborah J. Davis YN Nancy L. Carlson YN Kenneth P. Colby YN

The Board entered into non-public session at 6:54 AM/PM.

Other persons present during the non-public session: Town Administrator Shane O'Keefe YN

Recording Secretary Beverly Bernard

Description of matters discussed and final decisions made:

The Board discussed acquisition of the West Swanzey Athletic Association (WSAA) property at 53 West Main Street (map 57, Lot 50). Carlson said the WSAA's broker, Beauregard, is wrong about a secondary offer superseding the Town's offer. Colby said the Board does not want the property if it remains available for a superseding offer. It was decided unanimously to add the additional contingent that the offers remain in effect, with exclusivity, until the 15th of February 2013 assuming all contingencies are met within that time frame and that no other offer would supersede the Town's offer until that time.

Description continued on next page? YN

Continuation of Description from first page, if any: N/A

Motion made to seal these minutes? If so,

motion made by Carlson, seconded by Colby

to not publicly disclose the minutes because it is determined that divulgence of information likely would:

- Affect adversely the reputation of any person other than a member of the Board
- Render the proposed action ineffective.
- Pertain to preparation or carrying out of actions regarding terrorism.

Roll call vote to seal the minutes:

Deborah J. Davis YN Nancy L. Carlson YN Kenneth P. Colby YN

Motion: Passed / ~~Did not pass~~

Motion to leave non-public session and return to public session by Carlson

Seconded by Colby Motion: Passed / ~~Did not pass~~

Public session reconvened at 6:55 AM/PM

These minutes recorded by Beverly Bernard

These Minutes approved by the Board of Selectmen on 1/8/2013

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Unsealed on 2/25/2014 