

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – January 22, 2013
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 6:08 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe, and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Town resident Pat Bauries

MINUTES

- Regular meeting of January 14 – Colby **moved** to accept the minutes, Carlson seconded, with all in favor. **Motion passed.**
- Regular meeting of January 15, 2013 - Minutes were not available at this time.
- Non-public meetings(s) of January 14 & January 15, 2013 – Colby **moved** to accept the minutes of the non-public meeting of January 14, 2013 and two non-public minutes for January 15, 2013, with Carlson seconding the motion, and all in favor. **Motion passed.**

CITIZEN CONCERNS

Resident Pat Bauries spoke about the budget hearing held on January 15, 2013. She said it was her understanding that the Capital Reserve accounts were set up for Selectmen to approve. She noted there is a Warrant Article for a police cruiser this year. She asked for information about that and the Fire Department vehicle funds which recently came out of the capital reserve account to purchase a new vehicle. Bauries said that account was set up in the 1970's and asked at what point was the capital reserve account amended to allow withdrawals without a vote by the public. O’Keefe left the meeting briefly to look up the information requested. Bauries asked if all the capital reserve accounts can be drawn upon without vote. Colby said there have been separate Capital Reserve and Expendable Trust accounts set up over time. O’Keefe returned to the meeting and reviewed the account records. He said that in 1987 the public voted at Town Meeting to authorize the Selectmen, with the approval of the Fire Chief, to expend the funds for fire equipment. O’Keefe said in regard to Article 38 in 1988, residents voted to put proceeds from the sale of any truck back into the account. Bauries pointed out that the anticipated total funds from truck sales were supposed to be higher, but only one truck has sold. Bauries also asked about the accounts which have to go back to the legislative body. O’Keefe said he would make himself available to get her the answers she is looking for and for Bauries to contact him for an appointment. Bauries left the meeting at 6:22 p.m.

State Representative Bruce Tatro brought to the attention of the Board a change in process regarding replacing school board member vacancies. Up to this point, the Board recommends a replacement when there is a vacancy. The law changed in 2012.

Amended RSA 671:33 reads as follows:

b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining

members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

Tatro also asked about the contract with the New Hampshire Local Government Center or the New Hampshire Municipal Association (NHMA). O’Keefe volunteered that the fees for 2013 are at a slightly higher rate. Carlson mentioned the NHMA reviews bills coming out of the Legislature that affect municipalities and provide policy guidance and lobbying services on behalf of member towns and cities. Carlson said that they do ask for input from the Town. O’Keefe mentioned he had just been to a meeting of the Municipal Management Association of New Hampshire and the NHMA had met to discuss recently introduced Legislative bills. Tatro said the Professional Firefighters of New Hampshire are saying that they are not properly representing the Towns. Tatro left the meeting at 7:45 p.m.

NOMINATIONS

Open Space Committee Alternate Positions

Colby **moved** to create two Alternate positions for the Open Space Committee and the nomination of Mary Farnsworth to fill the first Alternate vacancy with term ending at Town Meeting 2014 and with the reception by the Board of the appropriate committee request forms from Farnsworth. Carlson seconded, and all were in favor. **Motion passed.** O’Keefe will contact Farnsworth, provide her with the appropriate form, and submit the form to the Board at the next meeting.

OLD BUSINESS

2011 Tax Liens

Tax Collector Lori Belletete joined the meeting to review payment schedules for residents in arrears on their tax bills.

James Beach 48 Merrimack Rd Amherst, NH 03031	Judith M Horton 5 Pondview Rd Swanzy, NH 03446	Neil Jr & Cindy Livengood 84 Joslin Rd Swanzy, NH 03431
Richard A Burke 41 Winch Hill Rd PO box 10702 Swanzy, NH 03446-0702	Morse Family 2000 Rev Lvg Trst 49 South Rd Swanzy, NY 03446	Gary Robert/Vincenza Lefebvre 52 Mountainview Rd Swanzy NH 03446
William E Carson Jr 296 Eaton Rd Swanzy, NH 03446	Mullett Family Trst, Francis L 19 Lake St. North Swanzy, NH 03431	Chris D & Robbin M Simeanu 403 Massey Hill Rd Swanzy, NH 03446
Walter D & Tammi L Cushing 68 Diana Dr Swanzy, NH 03446	Marshall Millwood 710 Old Homestead Hwy Swanzy, NH 03446-2313	
Paula A Hodge 42 Anthony Circle Swanzy, NH 03446-2911	Anna L Luce 28 Pondview Rd Swanzy, NH 03446-3322	

She provided information to the Board for 2011 Tax liens going to deed in 2013 for the following residents: Beach, Burke, Carson, Horton, Lefebvre, Livengood, Millwood, and Simeneau. Payment schedules were provided by Belletete. She reviewed the list with the Board. Receiving payment from people is better than no payment at all. Davis said that the Board will have to discuss further regarding the homes in arrears which reside in mobile home parks since the land is not owned by the homeowner and there are park rental fees to be taken into consideration should the Town come into ownership of the properties. Belletete said she called Pine Grove Mobile Home Park where a number of non-paying residents have their homes to try to discuss the fact that the Town may be taking title to a number of homes. No one returned her call to discuss this. It was agreed that for those who are not making consistent payments the Town will go to tax deeds. For those who are paying, the Town won't go to tax deeds but will continue the payment plans. For mobile homes, the Board will need to come up with a policy because of the park rental fees.

Forest Management Plan and proposed timber sale of Town-owned Mt. Caesar/Carpenter Home property

A discussion was held regarding the proposed sale of timber on Mt. Caesar and behind the Carpenter Home property. O'Keefe provided answers to questions raised by the Board at the previous meeting. He mentioned that the timber harvest expects to generate about \$40,000 to \$50,000 according to the forestry consultant. On the matter of chipping, it is estimated that the Town would earn roughly \$1.00 per ton of material. Regarding the potential for expenses related to removal of trees along the northern edge of Mt. Caesar Cemetery, it was explained that the trees would either be harvested at a profit to the Town or left standing due to the potential for logger liability. If left standing, the Town would have to pay a tree company to have the trees removed with proper equipment.

The Board has asked the Open Space Committee to consider the field behind the cemetery and Carpenter Home and make a recommendation for the field's future use. Carlson asked about waiving the timber tax. O'Keefe said that Bay State Forestry Services believes that the field should be included in the contract and not bid as a bid alternate. Carlson and Davis and Colby were in favor of including the field in the bid. Colby said money would go to the Lucy Carpenter Trust in perpetuity, and therefore he would recommend that the Board waive the timber tax. All agreed to waive the timber tax and to move forward on the timber sale. O'Keefe will work with Bay State Forestry to solicit bids on the timber sale.

Replacement of Town Hall computers

A discussion was held regarding the replacement of Town Hall computers. EMF, Inc. has offered a 10% cut on their hourly labor rate in order to get the Town's business for replacing computers. Colby asked about the projected number of hours. Carlson said that it's not about the money and she knows that not all of the Town's employees are on board with replacing their computers. She heard someone say that the State of New Hampshire computers can slow down motor vehicle registration business. O'Keefe reported that only two Town Hall employees didn't want to make a change. Colby said that he wanted to make a point about the dollars and cents of the 10% offer; if the total is relatively insignificant, then it isn't worth doing. O'Keefe estimated that the reduction would be about \$5,000. Colby felt that wasn't significant enough amount to move ahead. The Board agreed to table the idea. O'Keefe said he would inform EMF that the Town turned down the offer.

NEW BUSINESS

Home Occupation - gunsmith shop – Mark P. McIntire of 10 Day Road wishes to create a gunsmith shop in a 12 x 16 foot accessory building on the property. An application has been submitted to the Town. The limit in size of a home occupation building is 300 sq feet. The Board needs to qualify the use as a

home occupation, and then it goes to the Planning Board. Colby said the applicant may be dealing with resins, stains, or oils. Colby said there are sufficient questions about the type of operation that would be ongoing. The application states that the estimated customers per day are three to five (3-5) and Davis said that three to five customers a day seems optimistic. Proposed hours and days of operation are Saturdays from one p.m. to six p.m. by appointment only. Carlson **moved** to authorize the Chair to sign that the use is a home occupation with reservations regarding noise, dust and hazardous materials. Colby seconded, with all in favor. **Motion passed.**

State Transportation Improvement Program

O'Keefe conveyed to the Board a letter that reviews existing projects:

1. Improvements to the Sawyer's Crossing Road and Route 32 Intersection
2. Turning Lanes in the Vicinity of the Cheshire Fairground
3. Route 32/Route 12 intersection
4. Route 10 Center Turn lanes

The Board approved a letter to be sent to J.B. Mack, Transportation Planner, & Transportation Advisory Committee for the Southwest Region Planning Commission and signed it confirming the project as stated above and noting there were no additional projects at the moment.

Abatement of 2012 Taxes – 9 North Maple Street

The New Hampshire Housing Finance Authority (NHHFA) in 2011 foreclosed on the property at 9 North Maple Street in Swanzey. Abatement is being requested since the NHHFA is tax exempt. Colby **moved** to abate the 2012 taxes of \$3,188 for 9 North Maple Street, owned by the New Hampshire Housing Finance Authority. Carlson seconded the motion and all were in favor. **Motion passed.**

OTHER MATTERS

Approve 2013 Town Meeting Warrant

The Warrant was reviewed by the Board. Colby **moved** to approve the 2013 Town Meeting Warrant as provided, Carlson seconded and all were in favor. **Motion passed.**

Approval 2013 Town Budget and Town Default Budget

O'Keefe suggested that the Board sign the budget and default cover sheets and he will put together the rest of the budget forms required by the NH Department of Revenue Administration. The forms will reflect the budget as presented at the Budget Hearing and the default budget as adjusted at the Budget Hearing. **Motion** to approve the budget and the default budget for 2013 by Colby, Carlson seconded and all in favor. **Motion passed.**

Discussion on 2012 Annual Report

The Board discussed the fact that 2012 was a year in transition. There were changes in Town Hall employees including a new Town Administrator, and changes in the Board of Selectmen with Kenneth Colby returning to the Board after an absence of many years. The Plan New Hampshire Charrette was a major project in 2012, as was the clean out of Whitcomb Hall. O'Keefe will include these points in the write up for the Board of Selectmen's report.

Resignation of Employee

O'Keefe reported that he has received the resignation from Jane Lord who has been working as the bookkeeper for the Trustees of the Trust Funds. O'Keefe reported that Trustee Richard Scaramelli said the Trustees do not need to replace Lord yet, but will need some assistance in the future. O'Keefe suggested that Bernard might be interested in filling in with minute-taking and Recording Secretary

Bernard agreed to speak to Scaramelli about it.

New employee background check completed

Director of Public Works Lee Dunham has received the results from the background check for Robert Hart. Hart has passed the background check. He is proposed as a new full-time probationary employee to start on January 28, 2013.

Non-public sessions per RSA 91-A:3II(a), Personnel Matters

Motion by Carlson to enter **Non-public session pursuant to RSA 91-A:3II(a) Personnel matters**, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 6:42 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard and Chief of Police Tom De Angelis. **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 6:52 p.m.

Motion by Carlson to enter **Non-public session pursuant to RSA 91-A:3II(a) Personnel matters**, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 6:58 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard and Solid Waste Manager Steve Stewart. **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 7:15 p.m.

Motion by Carlson to enter **Non-public session pursuant to RSA 91-A:3II(c) Reputation, Lien**, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:50 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 8:52 p.m.

Motion by Carlson to enter **Non-public session pursuant to RSA 91-A:3II(c) Reputation, Lien**, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:53 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 8:55 p.m.

Recording Secretary Bernard left the meeting at 9:00 p.m.

Motion by Carlson to enter **Non-public session pursuant to RSA 91-A:3II(a) Personnel matters**, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 9:02 p.m. **Motion passed.** Present were the Board members and Town Administrator O'Keefe. **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 9:48 p.m.

Personnel Policy

O'Keefe provided the Board with recommended sample personnel policies from the New Hampshire Local Government Center. This was to follow up on the discussions of the January 8, 2013 meeting and his distribution of the existing Town personnel Policy at the previous meeting.

Personal Day

O'Keefe informed the Board that he hoped to take a personal day later in the week to use the personal day carried over from 2012.

CONSENT AGENDA

Colby **moved** to approve the Consent Agenda, Carlson seconded, all were in favor. ***Motion passed.***

- Notice of Intent to Cut – Guyette Rev. Trust (Map 45, Lot 33)
- Notice of Intent to Cut – Crosby Peck (Map 25, Lot 28-1)
- Event Permit #2013-01 – Fast Friends Greyhound Rescue Road Race (3/30/2013)

ADJOURNMENT

The meeting was adjourned by the Board at 10:03 p.m.

The next meeting is scheduled for January 29, 2013.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on January 29, 2013