

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – April 2, 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 Nancy Carlson at 6:08 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**MINUTES**

- Regular meeting of March 5, 2013, Colby **moved** to accept the regular minutes of March 5, 2013, with second by Davis. All were in favor. **Motion passed.**
- Regular meeting of March 19, 2013 - Colby **moved** to accept the regular minutes of March 19, 2013, with second by Davis. All were in favor. **Motion passed.**
- Non-Public Meeting #1 of March 19, 2013 – deferred to next meeting
- Non-Public Meeting #2 of March 19, 2013 – deferred to next meeting
- Non-Public Meeting #3 of March 19, 2013 – deferred to next meeting

**NOMINATIONS**

**Swanzey Revenue Development District Advisory Board.**

Terms for Robert Furlone and Gary Davis have expired and each has indicated an interest in reappointment. **Motion** was made by Colby, with a second from Davis to reappoint Robert Furlone and Gary Davis to the Swanzey Revenue Development District Advisory Board for the term of three (3) years ending at Town Meeting 2016. All were in favor. **Motion passed.**

**OLD BUSINESS**

**Cobble Hill Road and Warmac Road bridge replacement bids**

Director for Public Works Lee Dunham joined the meeting at 6:15 p.m. to discuss the bids received for replacement of Cobble Hill Road & Warmac Road bridges.

The bids are as follows:

<b>Bidder</b>	<b>Cobble Hill RD</b>	<b>Warmac RD</b>	<b>Total</b>
R.M. Piper, Inc.	\$1,232,916.50	\$465,150.00	\$1,698,066.50
Cold River Bridges, LLC	\$1,275,515.00	\$521,090.00	\$1,796,605.00
Northeast Earth Mechanics, Inc.	\$1,289,695.00	\$449,112.50	\$1,738,807.50
<b>Engineers Estimate</b>	<b>\$1,570,933.38</b>	<b>\$532,325.00</b>	<b>\$2,103,258.38</b>

The low bidder for the Cobble Hill Road Bridge project and the overall bid is R.M Piper, Inc. of Plymouth, NH. Because the combined total for the two bridges exceeds the \$1.62 million available for the project, the project will have to be limited in scope to replacement of the Cobble Hill Road Bridge unless additional funding is available from the New Hampshire Department of Transportation (NHDOT). The difference required to complete both bridges is between \$73,000 and \$78,000. O’Keefe said he would like to see both bridges completed and has appealed to the NHDOT for help with financing the project but has not yet received a response. A **motion** was made by Colby to accept the low bid from R.M. Piper, Inc. subject to concurrence from the New Hampshire Department of Transportation, and to authorize the Town Administrator to execute any and all contracts and agreements necessary to carry out the project which includes the replacement of the Cobble Hill Road Bridge and, if additional funds become available, the Warmac Road Bridge. The **motion** was seconded by Davis and all were in favor. **Motion passed.**

### **Personnel Discussion**

Dunham raised the subject of employee Francis Faulkner who works at the Department of Public Works part-time. The discussion centered on extending his service as a part-timer to the end of April. Dunham said he didn't want to go past April 14, 2013. It was agreed that Mr. Faulkner will go back to full-time at public works as of April 15, 2013.

Dunham also discussed the temporary full-time cemetery position. He said once the cemeteries are open to burials there is usually a lot of activity and he needs someone working there full-time. Dunham asked for agreement from the Board to advertise a full-time cemetery position which would start May 1, 2013. The Board agreed.

There was a very brief discussion on the blizzard storm damage regarding over-time pay, and sand and salt utilized during the storm and getting the Town reimbursed for those costs.

Dunham left the meeting at 6:30 p.m.

### **Site conditions at 127 Homestead Avenue**

Resident Jeanne Boggis, Jerry Boggis, and several other neighbors of the property in question joined the meeting at 6:30 p.m., as did property owner Brian Bates and two of his children. Also in attendance was Health Officer Beth Anne Tatro, Police Chief Tom DeAngelis, Monadnock Humane Society Director of Shelter Operations & Field Services Stephanie Frommer, and Code Enforcement Office Chet Greenwood.

Jerry Boggis stood and raised the issue of continued complaints about the condition of 127 Homestead Avenue. He said that the property is being used as a second town dump where there are mattresses, trash, and excessive noise from multiple dogs. He stated that he and his neighbors have brought the situation to the attention of Town officers in the past (since 2008) and not much seems to get done. Boggis said that the dogs have quieted down in the last two weeks but more trash has been blowing over onto his property from the Bates property than ever before. Health Officer Beth Ann Tatro stated that she has been working with Malinda Bates recently to try to correct some of the problems and that six (6) unregistered vehicles have been removed from the property. Tatro offered to assist in bagging up trash and come up with resolution for the future so that the situation does not get built up again. Scrap metal is present on the property because the Bates family sells it to help support themselves.

Brian Bates said that he is trying to get the trash taken care of. Stephanie Frommer from the Monadnock Humane Society said that they can provide dog houses but regular maintenance needs to be done by the family. Colby noted that the neighbors want to see the light at the end of the tunnel. A plan might provide that light. John Janes then spoke. He said he moved to Swanzey 45 years ago. His question: does the Town have the authority to forbid the maintenance of a dump on private property? He said the property has had trash there for many years. He noted the presence of trash damages the value of real estate in the area, in addition to being unsightly. He asked if the Town can assist in getting the property cleaned up. He spent some time talking about people in a small town helping each other, more a sense of community, a sense of good fellowship, and public decency. Colby said that the Town cares. That is why (Health Officer) Beth Ann is here and has been assisting the Bates family for some time.

Bates said he would clean up the trash that is blowing over to the neighbors. He said he needs a deal with the Recycling Center since they are not letting him off load the trash without payment. Tatro said that a lot has been accomplished in the front yard. Tatro said they can spray down the property with a hose, using soap, to maintain cleanliness.

Mrs. Boggis asked about whether or not the dogs on the property have been inoculated. Police Chief

Tom DeAngelis displayed a report from a Veterinarian regarding the shots of the dogs, and they all have had their shots except for one. Nine dogs are on the property.

Colby said there has to be a timeframe to accomplish the clean-up. Carlson agreed saying that Bates and his family have to say they are willing to fix the situation. Tatro reported that Malinda Bates is on board with cleaning up the property. Colby stressed that the trash build-up cannot continue. Bates assured the Board that he would follow up. Chief DeAngelis confirmed that the dogs have been moved from the front of the property to the rear.

Tatro said that the Bates family had issues at the Recycling Center and he needs a letter to confirm the Board's support for use of the Center as much as needed to remove the trash from the home site. O'Keefe said he could compose a letter for Bates to use at the Recycling Center for 45 days. Gail Burgess volunteered that she is trying to sell her house and she isn't getting any encouragement from realtors for value of her home as a neighbor of 127 Homestead Avenue. Also mentioned was broken up furniture in the back of the property. The neighbors want this removed as well. It was agreed that a 45-day period beginning Wednesday April 3, 2013 will be the timeframe for the Bates' to clean up the property with Tatro's help. O'Keefe will notify Recycling Center Manager Steve Stewart that Bates will be coming in with trash on a regular basis and will provide a letter to the Bates family to use at the transfer station. Carlson closed the discussion at 7:02 p.m. The neighbors and Bates family left Town Hall.

### **Police Department Matters**

Police Chief Tom DeAngelis joined the meeting at 7:07 p.m. to discuss Police Department matters. Chief DeAngelis requested the Board to authorize the purchase of a 2013 Ford Interceptor AWD vehicle. In March 2013 Town Meeting Warrant Article #4 he asked voters to approve \$35,000 for a new police patrol vehicle and it was approved. After trade in, the cost will be \$22,963.00. Colby raised the issue of vertical clearance of the car making it up some of the hills. DeAngelis responded that this vehicle will not be going off-road or through snow drifts. The request for the Board's approval also includes outfitting the car for \$7,156.00. DeAngelis pointed out that the Warranty on the Ford Interceptor vehicle is 5 years or 100,000 miles on the powertrain. A **motion** was made by Colby, seconded by Davis, to authorize the purchase of a 2013 Ford Interceptor AWD vehicle for \$24,513.00 plus outfitting of the vehicle for \$7,156.00 for a total of \$31,669 minus trade in on one 2008 Ford Interceptor of \$1,550, for a grand total of \$31,519 which is within the Warrant Article authorized by vote of \$35,000. All were in favor.

**Motion passed.** It was also noted that the Police Department takes care of registration, but insurance changes are done by O'Keefe.

### **Crime Report**

DeAngelis discussed the memo provided to the Board which shows that crime is down this year. He mentioned that the State of New Hampshire Prosecutor who left may not be replaced and that the Town is only paying for one Prosecutor.

### **Personnel Related**

Bob Perrot is leaving the Police Department in July. DeAngelis informed the Board that he wants to move Sgt. Joel Sampson into investigations as he was a detective with the NH Drug Task Force. DeAngelis said that he would then take a new hire and assign him or her to patrol, eventually replacing Sgt. Sampson in investigations with another officer from patrol who will be trained for investigations. DeAngelis asked the Board for its approval for DeAngelis to advertise for a new hire. The Board agreed. DeAngelis left at 7:24 p.m.

### **Payment arrangement – Anna Luce, 28 Pondview Road (Map 73, Lot 22-508)**

On March 5, 2013 the Board voted to approve a payment arrangement with the property owner after

she paid \$1,000 toward delinquent taxes. On March 19, 2013, the Town Administrator reported that the \$1,000 check Luce had submitted had bounced and the Board then agreed that a letter should be sent, with a copy to her Power of Attorney, indicating that the Town will require cash or a bank check by April 1, 2013 or the Board will terminate the payment plan agreement and proceed accordingly with a tax sale. Luce came to Town Hall on April 2, 2013 and paid \$500.00. Luce and Todd Murphy who lives with Luce joined the meeting at 7:35 p.m.

Murphy said he is helping Luce with her checkbook. He said that the previous check bounced because Luce uses a debit card and doesn't always record the amounts spent so has no idea how much is left in the account. Murphy said that \$500.00 was provided April 2nd and another \$500.00 will be paid April 3, 2013. The payment arrangement called for another \$1,000 payment to be provided in April but she cannot give the Town that amount he stated. A discussion was held about the amount of payments Luce might be able to handle. In May through September, on the 3<sup>rd</sup> of each month, when no oil bills will be coming in, Luce agreed to pay \$500.00 per month. It was determined that this amount will only cover taxes in arrears.

O'Keefe noted that Assessing Coordinator Amy Bush went to visit Anna Luce about ways to lower her taxes. They were able to complete a deferral for Luce so that when the home gets sold, the Town received tax money. Her yearly tax is estimated to be about \$3,000. During the winter, when oil bills take more of her income, she will pay \$150.00 per month. Luce said she would bring the money (\$500.00 payment) to Town Hall on Thursday, April 4<sup>th</sup>. O'Keefe will prepare a letter of agreement for them to read. O'Keefe said he would copy Hylah Smith, who has Luce's Power of Attorney on the letter of agreement with the Town. O'Keefe asked about someone named Erica who has contacted Town Hall about Luce's situation, claiming to be her granddaughter. He asked if she has a Power of Attorney for Luce and Luce replied that she does not. Luce and Murphy left the meeting 7:43 p.m.

#### **Delinquent Court-ordered payments to Town**

Arthur and Ellen Brnger owe \$ 11,144.80 to the Town based on court orders in July 2008 and again in December 2008. The last payment made by the Brngers was for July of 2010 and came to the Town in October 2010. In addition, in August 2007 the District Court ordered Christopher and Brandon Frazier to pay the Town \$75 per month related to storage of unregistered vehicles. The last payment received was for April 2010 which came in December 2010, and the Town is owed \$475.00. A brief discussion was held regarding the situation having been passed on to the Town Attorney. Action postponed until the Town Attorney responds.

#### **Request to acquire Town property – Cobble Hill Road (Map 71, Lot17).**

Town Administrator O'Keefe gave a history of this matter to the Board. He reported that it has been discussed numerous times, the last being on November 13, 2012. The former owner of property acquired by the Town through Tax Collector's deed on April 20, 2012 wishes to re-purchase the land. On March 12, 2013, Selectman Deborah Davis received a copy of a letter from the former owner, dated February 28, 2013, stating that she had been having difficulty with reacquisition of the property. Town Administrator O'Keefe said that there were numerous irregularities with the correspondence received by the Town. In fact one of the letters the former owner now includes as an attachment in her correspondence with the Town was never received by the Town.

The Board discussed the situation briefly and confirmed that certified letters have been sent in the past by the Town addressing the situation with the former owner. O'Keefe suggested that a new letter be sent to the former owner of the property confirming the amount of money needed to repurchase the property. The Board agreed to authorize O'Keefe to send a letter to the former owner of the property addressing the required price to redeem the property.

## **NEW BUSINESS**

### **Payment arrangement – Chris & Robbin Simeneau, 403 Massey Hill RD (Map 3, Lot 35-4)**

The Simeneaus joined the meeting at 7:25 p.m. to discuss with the Board a payment plan for delinquent taxes. Chris Simeneau stated that he has signed up for Social Security income which will help him pay his taxes on the property. He said he is hopeful to catch up by July 1, 2013 on all the delinquent taxes owed to the Town. Simeneau reported that he paid \$1,500 on April 1, 2013, and the balance is \$2,319.48. He said he is willing to pay \$450.00 a month to reduce the tax that is arrears. He stated that Cheshire County Federal Credit Union will mail the check directly to the Town. Payments of \$450.00 per month will start in May, 2013.

Davis made a **motion** to authorize the Town Administrator to execute a payment agreement on behalf of the Town stating that the Simeneaus agree to paying all of the 2010 taxes by July 1, 2013, as well as \$450.00 per month beginning on May 5, 2013 until such time as the delinquent taxes are paid to the town, seconded by Colby, all were in favor. **Motion passed.** The Simeneaus left the meeting at 7:30 p.m.

### **Payment arrangement – Cindy Wallace (Corbett), 121 Fox Run RD (Map 20, Lot 131)**

The Board discussed a possible payment plan of \$300.00 per month for this property owner for delinquent taxes. After a brief discussion noting that Wallace has offered to pay \$300.00 per month for back taxes owed, Davis made a **motion** to authorize the Town Administrator to execute a payment agreement on behalf of the Town with Cindy Wallace for \$300.00 per month until such time as her delinquent taxes have been paid, seconded by Colby, and all were in favor. **Motion passed.**

## **OTHER MATTERS**

### **Town employee compensation**

After a brief discussion Colby made a **motion** to authorize O'Keefe to do Personnel Action Reports for Recycling Center employees reflecting a 1.7% increase (Cost of Living) in pay and to include Town Clerk in the Cost of Living increase and Davis seconded, with all in favor. **Motion passed.**

### **West Swanzey Water System Study Committee**

After a discussion, Davis made a **motion** to appoint the following five people to the West Swanzey Water System Study Committee: Glenn Page, Scott Self, Norm Skantze, Ken Greatbatch, and Gary Phippard with the authorization to investigate the water system in West Swanzey as to:

- Existing infrastructure including capacity and condition
- The Town's liability should the system fail
- The alterations/repairs/rebuild required to make the system viable for fire protection and continued assured water supply for the village area
- Financial requirements to maintain the system including rate structure

The motion included the directive that the committee report back to the Board of Selectmen by October, 2013. Davis' **motion** was seconded by Colby, and all were in favor. **Motion passed.**

### **Tours of Whitcomb Hall**

Town Planner Sara Carbonneau inquired into members of the Whitcomb Hall Committee giving occasional tours of Whitcomb Hall to visitors of the Town. The Board agreed to allow for visitors to Whitcomb Hall with the understanding that the Town's insurance will cover visitors. O'Keefe volunteered to check on the insurance situation.

### **Fire Department's Use of the WSAA building for Practice**

A brief discussion was held about the Fire Department using the WSAA building to practice fire fighting technique. No action was taken.

### **Mt. Caesar Timber Sale Bidding**

O'Keefe informed the Board that there has been some inquiry as to who may bid on the logging to be done under Bay State Forestry contract to remove timber from Mt. Caesar. After a discussion with Bay State employees, O'Keefe learned and reported that Bay State sends invitations to bid to loggers that Bay State knows and trusts as to their work. They do not usually take bids from companies that they don't know and have not worked with. Bay State recommended to the Town that the bidding not be opened up to other loggers for this reason, particularly given the importance of this project. Carlson noted that the Town hired Bay State because of their expertise in these matters and that the Board should trust their judgment. The Board agreed.

### **Early Repayment of Loan**

Economic Development Advisory Committee Chairman Steve Bittel had suggested on March 19, 2013 paying off the Tax Increment Financing District bond to save some money. Bookkeeper Theresa Lounder provided the Board with a payoff figure of approximately \$100,570, which provide savings of approximately \$7,604. Colby **moved** to pay off the bond loan now with accumulated TIF increments, second by Davis, all were in favor. **Motion passed.**

### **Town Meeting Vote Recommendations**

The Board briefly discussed suggestions on Town Meeting vote procedures made by Moderator Pat Haselton. They noted that the issues have been previously discussed and no action was taken.

### **General discussion of Health Officer matters**

Health Officer BethAnne Tatro rejoined the meeting at 7:44 p.m. She reported on the situation at the Coach House Motel on Route 12 which has a failing septic system. She reported that the situation is being monitored and the owners are going to need a plan to correct the situation. She reported that the motel is also being monitored for internal problems like the presence of bed bugs.

Tatro also discussed briefly a report of mold by a tenant at a Base Hill Road rental. Tatro has been trying to reach the owner without success thus far. She noted that if the tenant claims that evasive mold has caused a health issue it could be a way to live rent free. Some tenants are using such charges to manipulate the system and free themselves from paying rent.

Tatro then asked to go into Non-Public session.

### **Non-public session #1 per RSA 91-A:3II(c), Reputation**

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:00 p.m. **Motion passed.** Present were the Board members and Tatro. Town Administrator O'Keefe and Recording Secretary Bernard left the room. O'Keefe was invited back into the non-public session at 9:05 p.m.

**Motion** by Davis to seal the minutes of the non-public session. Seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Davis to leave non-public session and return to public session. Second by Colby, with all in favor. **Motion passed.** Non-public session ended at 9:15 p.m.

### **Discuss hiring process for Solid Waste Manager position**

#### **Non-public session #2 per RSA 91-A:3II(b), Hiring**

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 9:40

p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe and Recording Secretary Bernard.

**Motion** by Davis to seal the minutes of the non-public session. Seconded by Colby . The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Davis to leave non-public session and return to public session. Second by Colby, with all in favor. **Motion passed.** Non-public session ended at 10:00 p.m.

### **Non-public session #3 per RSA 91-A:3II(c), Reputation**

At the request of O'Keefe, Davis made a motion to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 10:03 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe and Recording Secretary Bernard. Bernard left the room at 10:05 p.m.

**Motion** by Davis to seal the minutes of the non-public session. Seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Davis to leave non-public session and return to public session. Second by Colby, with all in favor. **Motion passed.** Non-public session ended at 10:11 p.m.

### **CONSENT AGENDA**

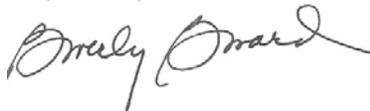
The Board approved the agenda and signed the following:

- Raffle permit #2013-10. MRHS Project Graduation - Raffle for bicycle on 5/4/2013
- Raffle permit #2013-11. American Cancer Society - Run for Life, MRHS, 580 Pld Homestead HWY, Raffle of various items on 6/22/2013
- Notice of Intent to Cut Wood or Timber (supplemental), Lane Construction Corp., Map 24, Lot 2-2
- Notice of Intent to Cut Wood or Timber (supplemental), Bryan and Amy Fisk, Map 45, Lot 32-2
- Notice of Intent to Cut Wood or Timber (supplemental), Orland & Guyette, Map 45, Lot 32-4
- NH Department of Revenue Administration Form MS-2
- Personnel Actions Form(s)

Next meeting will be held on April 16, 2013.

**ADJOURNMENT** - Colby **moved** to adjourn, seconded by Davis, with all in favor. Adjourned at 10:11 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 16, 2013