

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – April 23, 2013  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen Nancy L. Carlson and Kenneth P. Colby, Jr. The meeting was called to order by Chair Nancy Carlson at 6:06 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard. Selectman Deborah J. Davis was absent.

**MINUTES**

- Regular meeting(s) of April 16, 2013 & April 19, 2013 - Colby **moved** to approve the regular Minutes for April 16, 2013 and April 19, 2013, seconded by Carlson, all in favor, ***motion passed.***
- Non-public meetings(s) of April 2, 2013, April 16, 2013 & April 19, 2013 – Colby **moved** to approve the non-public Minutes of April 19, 2013 #1, #2, and #3 and non-public Minutes for April 16, 2013, #2, #3, and #4, seconded by Carlson, all in favor, ***motion passed.***
- Non-public meeting Minutes #1 for April 16, 2013 were deferred. Non-public meeting Minutes of April 2, 2013 were also deferred.

Ruth Snyder, Resident (former Tax Collector) and Lori Belletete, Tax Collector, joined the meeting at 6:12 p.m.

**NEW BUSINESS**

**Discuss tax deeding process**

A discussion between the Board, O’Keefe, Snyder, and Belletete was held regarding the tax deed process. Snyder emphasized the importance of notifying the pertinent parties at the appropriate time prior to going to tax deed. Snyder said that in the past Town Counsel Sam Bradley would check that everyone was notified appropriately, and then the tax deeds were typed up and recorded. The Town then becomes a Landlord, insuring the property and collecting rent.

Snyder pointed out that very few properties with delinquent tax payments have a mortgage holder. Mortgage holders will usually make the tax payments rather than lose the property to the Town. Snyder also pointed out that the Town has taken very few properties by Deed, but the Town has taken land. Belletete said it might be beneficial to the Town to have Code Enforcement Officer Chet Greenwood investigate the status of the properties scheduled for tax deed. Snyder said the Board can decide NOT to take property because of the presence of hazardous waste or other adverse conditions. Greenwood can check for hazardous waste.

Snyder further discussed the tax deed process by reporting that once a property is deeded to the Town, if the Town keeps it for three (3) years, it subsequently may be sold. If the Town puts a property up for auction, the heirs must be notified so as to give them 60 days to pay all the due taxes, and legal costs. Snyder stated that if the Town wants to sell a given property, the Town must notify the original owner as they have a “right of redemption”, which requires payment by the original owner of all the taxes that are due, any upcoming tax, 10% of assessed value, plus legal fees. She emphasized that at least 60 days notice must be given. Currently there are a total of nine properties subject to tax deed and two of them are land only.

Snyder then recalled that she had in the past worked with a deeding worksheet, saying it was a valuable tool for the tax deed process. She said it provides the property owner's name, the mortgage company if there is one, or designates that there is no mortgage. The Board asked Belletete and Snyder to access one of the reports to see what information would be provided and they left the meeting at 6:25 p.m. to run the report.

Snyder and Belletete returned at 6:35 p.m. with the report. The report did not display the mortgage holders name and address as hoped. Snyder then suggested that the addresses that the tax deed documents were sent to might not have been the best addresses. She noted that if a mortgage holder has multiple addresses, then letters must be sent to all the addresses listed for the mortgage holder if the Town is unsure which address is the correct address for any particular mortgage.

Carlson suggested that Greenwood investigate the properties as to their condition and then the Board can decide whether or not to do a tax deed on specific properties. O'Keefe will put together a matrix showing all the property characteristics once Greenwood has finished his review of the properties. The Board agreed to move ahead with that suggestion. Snyder and Belletete left the meeting at 6:56 p.m.

## **OLD BUSINESS**

### **Establish Personnel Policy Review Committee**

At the April 16, 2013 meeting the Board considered the appointment of the following Town employees to a Personnel Policy Review Committee: Shane O'Keefe, Administration; Tom DeAngelis, Police Department; Theresa Lounder, Finance; Donna Clark, Carpenter Home; and, Ann Bedaw, Public Works Department. The Board also considered adding resident Michael Lilly to the Committee to represent the general public. O'Keefe reported that he did contact Lilly and Lilly expressed his interest in serving on the Committee. O'Keefe asked the Board to appoint the Committee membership and offer direction/suggestions on how they wish the Committee to proceed. Carlson suggested that a paper trail be established for any employee, both for good reviews and bad ones. O'Keefe asked about establishing a disciplinary process. Currently the Town does not have a process in place, which gives the Town broader choices for disciplinary action. However, O'Keefe suggested it would be a good idea to have a defined process in place. O'Keefe also suggested that Town Counsel Sam Bradley be asked to review the document after a first draft has been completed.

Colby made a **motion** to appoint Shane O'Keefe, Tom DeAngelis, Theresa Lounder, Donna Clark, Ann Bedaw, and Michael Lilly to be members of the Personnel Policy Review Committee, to be headed up by O'Keefe. The motion was seconded by Carlson and all were in favor. ***Motion passed.***

### **Authorize expenditures of over \$1,000 – Carpenter Home**

At the April 16, 2013 Board meeting, Carpenter Home Administrator Dawn Rice provided the Board with bid prices she received for a new kitchen range and there was concern about the cost for delivery of the item. The low bidder, Pete's Restaurant Equipment, has subsequently provided a delivery quote of \$100.00, bringing the total cost to \$4,100. O'Keefe recommended that the Board authorize the purchase of this item, to be paid from the unrestricted income of the Lucy Carpenter – Carpenter Home Common Trust Fund. The Board considered O'Keefe's request and then a **motion** was made by Colby to approve the total cost of \$4,100 for the purchase and delivery of a kitchen range for the Carpenter Home from Pete's Restaurant Equipment, to be paid from the unrestricted income account of the Lucy Carpenter – Carpenter home Common Trust Fund, seconded by Carlson, and all in favor. ***Motion passed.***

### **Reconsider offer of property**

At the April 16, 2013 meeting, the Board considered an offer from Keene Tree Service to sell or lease to the Town property on Railroad Street. At the Board's direction, O'Keefe wrote a letter to Keene Tree Service indicating that the Town is not in a position to acquire the site at this time. Chairperson Carlson wanted to reconsider this offer with the Board.

Carlson reviewed the characteristics of the property saying that the property has three (3) large garage areas plus an office area and perhaps the Town could use that property at some future date. Colby said that for him the important factor is how much the owner wants for the property. If the owner is looking for \$1.5 million the Town couldn't consider it, but if it is a bargain, the Town should consider it. A discussion was held about whether or not Keene Tree was still in business. Colby said he didn't have any problem with contacting the owner to find out what he is thinking about price. O'Keefe asked if the Board wanted to have Director of Public Works Lee Dunham take a look at the property. But Carlson preferred that someone should contact the owner first. Carlson suggested that O'Keefe contact the owner and learn what the owner has in mind for a "ballpark" figure for the property. O'Keefe agreed to do so.

### **Scope of work and fee proposal for construction phase bridge engineering - Replacement of Cobble Hill Road & Warmac Road bridges**

The Board reviewed the Scope of Work and Fee Proposals for the construction phase bridge engineering for the replacement of bridges on Cobble Hill Road and Warmac Road submitted on June 22, 2012 by Hoyle, Tanner & Associates, Inc. that had never been executed and that minor date changes to the documents would be necessary due to the passage of time. O'Keefe also provided letters dated June 26, 2012 from the New Hampshire Department of Transportation (NH DOT) which stated the engineering proposals for these projects had been found to be satisfactory. The scope and fee is in the amount of \$62,043.00 for the Cobble Hill Road Bridge and \$39,435 for the Warmac Road Bridge. After review of these documents, Colby **moved** to approve the scope of work and fee proposals submitted by Hoyle, Tanner & Associates, Inc. of Manchester, New Hampshire for the construction phase bridge engineering work to replace Cobble Hill Road and Warmac Road bridges and authorized O'Keefe to amend and execute the contracts for same, Carlson seconded. All in favor. **Motion passed.**

### **NEW BUSINESS**

#### **Payment arrangement – James Beach, 112 Pine Street (Map 57, Lot 114)**

The Board considered a payment plan of an unspecified amount for this property owner for delinquent taxes. The property owner has not complied with the terms of a previous payment agreement approved by the Board on April 17, 2012. A discussion was held regarding Beach and his inability to follow a payment plan that he had agreed to in the past. A payment schedule was reviewed by the Board. Colby said Beach gave the Town \$1,000 recently and he is only \$627.00 behind in payments. Carlson suggested that the Board ask Beach for some payment per month. If he pays \$150.00 per month his back taxes will get paid off in about four (4) months. Colby **moved** to set up a new payment schedule for James Beach of 112 Pine Street (Map 57, Lot 114) for payment of \$150.00 per month to be paid on the 15<sup>th</sup> of each month, beginning May 15, 2013, inform him by letter of such, and to authorize O'Keefe to sign the letter on behalf of the Board of Selectmen. The motion was seconded by Carlson, all in favor. **Motion passed.**

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

The Board was asked to accept four (4) checks of \$25.00 each for the benefit of Old Home Day from the following: Imagine That Honey (Jodi & Dean Turner); Mary & Norman Latourneau; The Kitchen of Annie (Onobe, LLC); and, Thomas Charters, LLC. Colby **moved** to accept and expend four (4) checks in the

amount of \$25.00 each for the benefit of Old Home Day given by Imagine That Honey (Jodi & Dan Turner); Mary & Norman Latourneau; The Kitchen of Annie (Onobe, LLC); and Thomas Charters, LLC. The motion was seconded by Carlson, and all were in favor. **Motion passed.**

O'Keefe stated that he had discussed with the Trustees of Trust Funds developing another non-restricted fund account to better enable donations to Old Home Day activities, and would bring that forward soon.

**Authorize transfer of capital reserve and expendable trusts funds voted at 2013 Town meeting**

The Board was asked to vote to authorize, effective July 25, 2013, the transfer of funds in the amount of \$541,750 raised through 2013 Town Meeting Article 3 for capital reserves and expendable trusts to the respective accounts administered by the Trustees of Trust Funds. Carlson said the Board usually did this later in the year. O'Keefe said that the end of the year is very busy and to do it earlier would be preferred. **Motion** by Colby to authorize the transfer of capital reserve and expendable trusts funds voted at 2013 Town meeting in the amount of \$541,750 to the respective accounts administered by the Trustees of Trust Funds, seconded by Carlson. All were in favor. **Motion passed.**

**Non-public session #1 per RSA 91-A:3II(b), Hiring of a Public Employee(s)**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee(s), seconded by Carlson and all were in favor. The Selectmen voted unanimously by roll call to go into non-public session at 7:17 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe and Recording Secretary Bernard.

**Motion** by Colby to seal the minutes of the non-public session. Seconded by Carlson. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Colby to leave non-public session and return to public session. Second by Carlson, with all in favor. **Motion passed.** Non-public session ended at 7:27 p.m.

**Non-public session #2 per RSA 91-A:3II(a), Personnel Matters**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) to discuss personnel matters, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 7:33 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard.

**Motion** by Colby to seal the minutes of the non-public session. Second by Carlson. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Colby to leave non-public session and return to public session. Second by Carlson, with all in favor. **Motion passed.** Non-public session ended at 7:38 p.m.

**OTHER MATTERS**

**A brief discussion on elderly tax exemptions and veterans tax credit exemption was held.**

O'Keefe confirmed that after review of status of applicants for the exemptions and credits, the persons proposed to receive the tax credit all do qualify for it.

**Sale of Fire vehicle - minimum bid to be \$3,000.**

A brief discussion was held regarding an organization called James R. St. Jean which processes vehicles for sale through auction, and waives fees charged to cities and towns. St. Jean is having an auction of vehicles on June 15, 2013. O'Keefe also noted that the Town of Winchester had expressed interest in

acquiring the vehicle. Colby suggested that the Town put out bids and not try to sell the vehicle through an auction process. The Board agreed to have O'Keefe put the vehicle out to bid, with bids to be into Town Hall by May 15, 2013. O'Keefe also agreed to list the vehicle for sale on Craig's List.

### **Demolition of WSAA Building**

Colby noted that he wanted to see the Town-owned West Swanzey Athletic Association building demolished much sooner than the presently anticipated time, but that given it hasn't yet been taken down, the building should be down no later than July 1, 2013. He asked O'Keefe to add that date to the request for bid that O'Keefe is putting together.

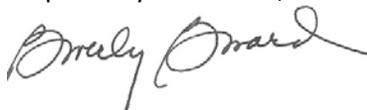
### **CONSENT AGENDA**

- Open Container Permit #2013-02, Cheshire County Fish & Game Club, Cheshire Fairgrounds, June 22, 2013.
- Open Container Permit #2013-04, Brown Field Committee, Brown Memorial Field, 731 West Swanzey Road.
- Raffle permit #2013-06. Cheshire County Fish & Game Club, Cheshire Fairgrounds – 50/50 cash raffle on 6/22//2013.
- Raffle permit #2013-07. Cheshire County Fish & Game Club, Cheshire Fairgrounds – Raffle of various prizes on 6/22//2013.
- Notice of Intent to Cut Wood or Timber (supplemental), Marshall Barrett, Jr., Map 81, Lots 14 & 17, Map 83, Lot 1, Map 86, Lot 6.
- Notice of Intent to Excavate. South Branch Group, Map 24, Lot 58.
- Notice of Intent to Excavate. South Branch Group, Map 86, Lot 2.
- Gravel Tax Levy
- Veterans Tax Credit, Wilbur Hattendorf, Map 18, Lot 173
- Veterans Tax Credit, Michael Wrona, Map 23, Lot 3-20
- Veterans Tax Credit, Robert Lindberg, Map 62, Lot 10-1
- Elderly Tax Exemption, Sandra Loll, Map 57, Lot 109
- Elderly Tax Exemption, Warren & Linda Denico, Map 58, Lot 67
- Elderly Tax Exemption, Theodore & Beverly Bergeron, Map 27, Lot 1
- Elderly Tax Exemption, Janet Harrington, Map 21, Lot 11-2
- Application for Current Use, Colony Memorial Trust – Horatio Colony Nature Preserve, Map 76, Lots 2 & 3
- Other items as necessary

Next meetings will be held on April 30, 2013.

**ADJOURNMENT - Motion** to adjourn by Colby, seconded by Carlson, all in favor. **Motion passed.**  
Adjournment at 7:43p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 30, 2013.

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #1 – April 23, 2013

**Non-public session per RSA 91-A:3II(b), Hiring of a Public Employee(s)**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b), Hiring of a Public Employee(s), seconded by Carlson and all were in favor. The Selectmen voted unanimously by roll call to go into non-public session at 7:17 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe and Recording Secretary Bernard.

The Board conducted recent interviews for the position of Solid Waste Manager. As a result a brief discussion was held regarding the candidates interviewed. Carlson asked O'Keefe about getting a background check on Bob Osterhout as soon as possible and to check his references which would include a criminal background check and driving record (Out-of-state). The Board agreed to offer him the position of Solid Waste Manager for \$55,000 per year subject to satisfactory background check and references. During his interview Osterhout said he could be available in three (3) weeks from the date of notice to his present employer. Colby said this should be a priority for O'Keefe and O'Keefe said he could call him tonight (April 23, 2013).

As to the other candidates, the Board agreed that they should not be notified as yet. One of the two might be offered the Assistant Manager position should it become open. Colby said he is thinking positive about Osterhout accepting the job and the Assistant Manager position is probably going to be open. Carlson said that the most the background checks and references will take is four (4) weeks and Colby said that we are looking at the first of June for a start date. The Board also agreed that if the Town needs an Assistant Manager, they would like to offer that position to Craig Steely. The Board asked O'Keefe to sign and send a conditional offer on behalf of the Board to Bob Osterhout for employment as the Solid Waste Manager for \$55,000 per year with a "target start date of June 1, 2013, if not sooner" subject to satisfactory completion of all background checks, driving record, and references.

**Motion** by Colby to seal the minutes of the non-public session. Seconded by Carlson. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Colby to leave non-public session and return to public session. Second by Carlson, with all in favor. **Motion passed.** Non-public session ended at 7:27 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 30, 2013.

**These Minutes unsealed by the Board of Selectmen on February 11, 2014.**