

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – July 16, 2013  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen Nancy L. Carlson, Kenneth P. Colby, Jr. and Deborah J. Davis. The meeting was called to order by Chair Nancy L. Carlson at 6:09 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Cheshire County Sheriff Eliezer Rivera, Fire Chief Norm Skantze

**Sheriff Rivera**

Sheriff Rivera stopped into Town Hall to introduce himself to the Selectmen as a resource for the Swanzey Police Department and the Town. Rivera is retired from the Keene Police Department after twenty-two years. He said his office does many transports, approximately 3,500 trips a year. They also manage subpoenas. The staff is about thirty-five people including administrative staff and ten sworn deputies. The Board thanked him for his time, and he left at 6:14 p.m.

**MINUTES**

- Regular meeting in the A.M. of July 9, 2013 – Davis **moved** to accept the minutes of the morning of July 9, 2013, seconded by Colby and all were in favor. **Motion passed.**
- Regular meeting in the P.M. of July 9, 2013 - Colby **moved** to accept the evening minutes of July 9, 2013, seconded by Davis, and all were in favor. **Motion passed.**
- Non-Public meeting #1 of July 9, 2013 - Colby made a **motion** to accept the non-public minutes of July 2, 2013, Davis seconded, and all were in favor. **Motion passed.**
- Non-Public meeting #2 of July 9, 2013 - Davis made a **motion** to accept the non-public minutes of July 2, 2013, Colby seconded, and all were in favor. **Motion passed.**
- Non-Public meeting #3 of July 9, 2013 - Colby made a **motion** to accept the non-public minutes of July 2, 2013, Davis seconded, and all were in favor. **Motion passed.**

**NEW BUSINESS**

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a public employee, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:15 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe, Recording Secretary Bernard and Fire Chief Norm Skantze.

**Motion** by Colby to seal the minutes of the non-public session. The motion was seconded by Davis. 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. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-public session ended at 6:20 p.m.

**Accept unanticipated funds per RSA 31:95-b (#3)**

A discussion was held regarding the intent of the donation of \$125.00 to the Fire Department from the Townsend Massachusetts Fire/EMS Relief Association in gratitude for the Town of Swanzey Fire Department’s support of the Townsend Fire EMS Relief Association’s fundraiser “Give Back Ride”. Colby asked if the check should be returned. He said he wanted a clarification because the fundraising involved was for a charitable cause. Skantze said the Townsend organization reached their fundraising

goal and sent the check to the Town in gratitude for the Fire Department support. Skantze also said that the check was a surprise to him and he thought the Townsend organization would be offended if the Town did not accept the money. O'Keefe noted that the funds have already been passed on to the Trustees of Trust Funds due to a communication error.

A **motion** was made by Colby, Davis seconded, to accept the donated funds, retroactive to July 9, 2013, and to remit them to the custody of the Trustees of Trust Funds to be held in the Fire Department Gifts and Donations Trust Fund account established on February 11, 2009. All were in favor and the **motion passed**.

#### **Capital Improvement Plan for the Fire Department**

Chief Skantze then passed out to the Board for their review an internal Capital Improvement Plan for fire apparatus that he had prepared.

#### **Email from Keene Fire Department regarding paramedic intercept services**

Skantze shared an email from City of Keene, New Hampshire Acting Fire Chief Mark F. Howard. Keene will not back up DiLuzio Ambulance for paramedic intercept services unless the Town will pay \$385.88 per incident. Along with the email from Howard describing why an intercept fee must be billed to each community without a current intercept contract, there was a Memorandum from the City of Keene Fire Department. In that Memo from Mark F. Howard, Acting Fire Chief to his Personnel, he noted that the Town of Swanzey does not have a secondary contract with Keene to provide paramedic intercepts and therefore the personnel is not to respond to such requests. He also noted in the memorandum that if there is a request for an ambulance to respond mutual aid from Keene Fire Department and a medic is needed and available, the City of Keene would provide that service as they do with all other communities. Davis asked how often it would happen that we might need Keene to provide a medic, and Skantze responded by saying, "about less than a half dozen times a year." No action was taken and Chief Skantze left the meeting at 6:33 p.m.

#### **CITIZEN CONCERNS**

Several residents joined the meeting at 6:34 p.m.

Residents present were Jerry and Jean Boggis of 117 Homestead Avenue, Nancy Brown, 170 Homestead Avenue, neighbor John Zanes and neighbor Gail Burgess.

The residents said that they had come to the Board of Selectmen meeting to discuss the situation at 127 Homestead Avenue which has been under scrutiny by Town of Swanzey Health Officer BethAnne Tatro due to unsanitary conditions at the home. The complaint of the residents was that the conditions have returned to the previous state with garbage piling up at the front of the house once again, vehicles in various state of disrepair on the property and the dogs not being taken care of properly.

Carlson said the Bates family was granted an extension to bring items to the Swanzey Town Recycling Center for disposal without charge, but that extension was up as of July 3, 2013. Allowing the family to bring debris, garbage and other items to the Recycling Center without charge was an effort on the Town's part to help the family clean up the property.

Mr. Zanes gave a short speech on community spirit and decency. He said that he knew that the Town had made an effort to assist the Bates family, but you cannot legislate decency when there is a lack of intention to be a decent citizen. He went on to talk about how properties like the one at issue can reduce neighboring property values and how this affects the State of New Hampshire's revenue stream.

He said he thought that court action might be necessary and perhaps news coverage. He said he believed that no one should be allowed to live in this way to the detriment of his neighbors.

Carlson said that Zanes is right, the State of New Hampshire relies on property tax, but the Town also has to comply with the State laws. The Town has to work to have the site cleaned within the bounds of State law. She noted that the Selectmen are trying to avoid the Court system route. The Court ends up fining the family, but the family doesn't pay and that doesn't solve the problem. She did say that the Town can appraise properties based on the fact of the presence of unsightly and unsanitary property nearby.

Colby said that back on June 4, 2013 some progress had been made and the expectation was that the job would be finished by July 3, 2013. Colby suggested that Health Officer BethAnne Tatro get involved once again. Colby also stressed that the ineffectiveness of the June 4 meeting means that the issue will not go on the back burner. Jean Boggis noted that Tatro is no longer allowed to go into the back yard nor into the house. Colby and Davis mentioned that the family agreed that they would maintain the cleanup that they had accomplished. O'Keefe recommended having Tatro inspect the property once again and report to the Board confirming whether the property is returning to its original state.

Davis said that Vision Appraisal should be involved in reappraising the houses in the neighborhood. Burgess said that her house is up for sale, but the presence of the neighboring house is having a negative effect. Davis said that the Board needs something concrete like Vision providing a lower value for the houses next door. If the Court is involved, it would need to see what the difference in value would be. O'Keefe was asked to contact Vision and find out if the Bates house would have an impact on the value of neighboring homes. Jerry Boggis asked about whether there is a fire hazard present on the site. It was noted that fire inspections for single family homes are not done routinely.

Burgess wanted to know how to write an ordinance which would get action in situations like the one under discussion. Carlson said that the Town would have to check with the State to see if the Town could have an ordinance covering certain areas. O'Keefe pointed out that the Selectmen can make ordinances regarding solid waste, and Homestead Avenue constitutes a solid waste problem in his opinion. Carlson mentioned that the Town of Winchester had issues regarding similar situations. O'Keefe was asked to contact Winchester about any ordinances they may have, and to check on the approval process for an ordinance on trash piling up on private property: Does it require Town Meeting approval or can the Board approved it on its own? Burgess wanted to know when the neighbors should come back to see what progress is being made. The residents left at 7:05 p.m.

#### **Grant authorization for Solid Waste Manager.**

The New Hampshire Department of Environmental Services (NHDES) requires that the Board authorize an individual to execute contracts for NHDES solid waste grants. In the past this was done by former Solid Waste Manager Dave Krisch and O'Keefe recommended that Bob Osterhout be duly authorized. At this time Osterhout is seeking grant funding of \$1,000 for service and improvements to the waste oil burner.

Davis made the **motion** to authorize Solid Waste Manager Bob Osterhout to sign contracts on behalf of the Town of Swanzey with respect to grant contracts with the New Hampshire Department of Environmental Services to the benefit of the Swanzey Recycling Center. Colby seconded the motion and all were in favor. **Motion passed.**

**Authorize expenditure(s) over \$1,000 – Recycling Center.**

The Board was asked to authorize expenditure of over \$1,000 for repairs to the Bobcat at the Recycling Center, which are estimated at up to \$1,982.08. The Recycling Center has been using a rental loaner while the Bobcat has been awaiting repairs. The Recycling Center Maintenance & Repairs budget of \$6,000 had a balance of \$4,117 at the end of June.

Colby made a **motion** to authorize expenditure of up to \$2,000 by the Solid Waste Manager for repairs to the Bobcat, to be paid from the Recycling Center Maintenance & Repairs budget line. Davis seconded the motion and all were in favor. **Motion passed.**

**Accept unanticipated funds per RSA 31:95-b. (#1)**

The Board was asked to accept checks as follows, totaling \$30.00, as donations to Whitcomb Hall:

- \$30.00 from David & Lena Whipple

Davis made a **motion** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Whitcomb Hall Non-Restricted Fund trust account established on March 19, 2013. The motion was seconded by Colby and all were in favor. **Motion passed.**

**Accept unanticipated funds per RSA 31:95-b. (#2)**

The Board is asked to accept checks as follows, totaling \$255.00, as contributions to the Town for Old Home Day activities:

- \$50.00 from Joanne and A. Bernard Stroshine
- \$25.00 from Susan B. Michal
- \$25.00 from Mason Parker
- \$25.00 from Peter H. Hartz
- \$30.00 from Fairfield’s
- \$40.00 from Fenton Family Dealerships
- \$30.00 from Autex, Inc.
- \$30.00 from Rite Aid

Davis asked for a clarification regarding fees versus donations and a brief discussion ensued. Colby made a **motion** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Old Home Day Non-Restricted Fun trust account established on April 30, 2013. Davis seconded the motion and all were in favor. **Motion passed.**

**Health Officer BethAnne Tatro Input**

Although not on the agenda, Beth Ann Tatro arrived at the meeting at 7:11 p.m. and a discussion was held regarding the Bates family residence and the regression of the cleanup on their Homestead Avenue property. Tatro said that the family is not returning her calls. A discussion was held regarding whether or not Tatro is allowed on the property, to which she pointed out that the family does allow her on to the site. At one point, dogs were preventing reaching the front door. There seems to be some discrepancy on the number of dogs on the property. Colby asked Tatro to stop in on neighbor Boggis and clarify the number of dogs on the property. Colby asked Tatro to go a bit beyond to address the whole situation with the neighbors.

Carlson asked what the Town can do to get the family to clean up their property. Tatro said she can research the protocol from a couple of other towns. The situation with trash, bedbugs and dogs, is not unique to Swanzey. Tatro said to consider bringing in the “big guns” from the State regarding subsurface ground contamination of the soil. With dismantled cars on the property there is probably motor oil present, gasoline, and perhaps antifreeze. Tatro said the Town has been generous and given the family time to respond. Tatro said she will go up tonight to try to take a look at the property, but unfortunately, she cannot give the answers to the neighbors that they want to hear. O’Keefe said that the Town can create a list of all the properties that are unsanitary and unsightly in Town, so there is no claim of

discrimination if the Town decides to follow through with a letter of complaint based on health issues and cleanliness.

## **OLD BUSINESS**

### **Krebs Property**

Carlson provided photos of debris dumped on the Krebs Property on Kempton Road; she said there isn't any trash on the site that the Town charges for at the Recycling Center. Carlson said she wants to call Krebs and tell him that the Town won't charge him for dumping at the Recycling Center and get some good public relations with the owner. Davis said she agreed, but didn't want to set a precedent. There is nothing to prevent this from happening in other places in Town.

Davis **moved** to grant Krebs a one-time authorization to dump debris at no charge at the Recycling Center from the property on Kempton Road through the end of July, Colby seconded the motion, and all were in favor. **Motion passed.**

O'Keefe said he has an example letter that the Town can send to Krebs. Carlson will forward contact information for Krebs to O'Keefe, who will write the letter on behalf of the Board.

### **Use of Lane Fields by Cal Ripken League**

This matter was discussed last meeting and suggested minor changes to the agreement for use of Lane Fields Complex by the Cal Ripken League were incorporated into the agreement document. O'Keefe reported that Recreation Board member Judy Bohannon had no objections to the agreement. Another change involved adding the word "sunset" to replace "dusk" in the document when referring to the daily end of facility usage. O'Keefe pointed out that the document is only good through August, 2013.

Colby **moved** to approve the agreement between the Town and the Swanzey Cal Ripken Association for the use of the Lane Fields Complex on South Road, to designate the Public Works Director as the Town's contact person for scheduling and other issues, and to authorize the Town Administrator to sign the agreement on behalf of the Town. Davis seconded the motion and all were in favor. **Motion passed.**

### **Job responsibilities of Town Hall Administrative Aide.**

At the July 2, 2013 meeting, the Board decided to shift the human resources functions of the Finance Office to the position soon to be vacated by Sandi Page, and asked the Town Administrator to develop a job description for review by the Board. O'Keefe presented a job description to the Board. Asked if he had gotten feedback from outgoing Administrative Aide Page, O'Keefe said he had not as of yet. He said she gave him a job description from Keene and had Louder review the human resources functions of it. Davis asked if Page does home visits. O'Keefe said she does not.

Carlson said she would like to take a little more time to review the document. Colby suggested that the Board review it and have Page review it, and then have a discussion about it. O'Keefe said he was hoping to get out an advertisement for the position by the end of this week. O'Keefe offered to discuss with Page further and make changes as necessary.

Suggested new name for the position would be *Human Services and Resources Coordinator*. The Board will get back to O'Keefe with their comments. There was a discussion about possibly meeting on July 20<sup>th</sup> on this.

**Non-public session #2 per RSA 91-A:3II(b), Hiring of Public Employee(s) – Assessing Coordinator**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:59 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. The motion was seconded by Davis. 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. The motion was seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:06 p.m.

**Non-public session #3 pursuant to RSA 91-A:3II(c) – Reputation**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:06 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. The motion was seconded by Colby. 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. The motion was seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:20 p.m.

**CONSENT AGENDA**

**Motion** by Davis to approve the Consent Agenda, authorizing the chair to sign where necessary. Second by Colby. All were in favor. **Motion passed.**

- Event Permit #2013-22. Cheshire Fair Association – Annual Cheshire Fair on 7/31/2013 through 8/4/2013 at the Cheshire Fairgrounds. Police services are required – see permit form for details.
- Notice of Intent to Cut Wood or Timber (supplemental). Yale University, Map 50, Lot(s) 3 & 4.
- Certification of Yield taxes Assessed and Yield Tax Levy, Map 24, Lot 2-2 – \$603.31
- Appointment of Police Officer – Andrew K. Lippincott
- Payment Request – \$1,000
- Fire permit – Whitcomb Hall BBQ, 8/20/2013

Motion for Adjournment by Colby, second by Davis. Adjournment 8:27 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 30, 2013.

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #1 – July 16, 2013

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a public employee, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:15 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe, and Recording Secretary Bernard and Fire Chief Norm Skantze.

The Board was asked to consider the hiring of new Firefighters as proposed by Fire Chief Skantze.

- Chelsea Bell as a probationary Firefighter at \$10.00 per hour. Joining without certification
- Justin Tracey as a Firefighter EMT, Level 2 at- \$12.00 per hour because he is level 2 firefighter and has experience and will live at the station as an intern. Background check is done.
- Jason Champney as a Firefighter EMT basic at \$10.00 per hour. Joining without certification
- Matt O’Neil as a probationary Firefighter at \$11.50 per hour

After a brief discussion on the merits of each candidate, a **motion** was made by Colby to approve the hiring of the candidates above recommended by Fire Chief Skantze at the pay levels stated for each candidate and to authorize the Town Administrator to sign the Personnel Action Reports for each. The motion was seconded by Davis and all were in favor. **Motion passed.**

**Motion** by Colby to seal the minutes of the non-public session. The motion was seconded by Davis. 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. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-public session ended at 6:20 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 30, 2013.

**These Minutes unsealed by the Board of Selectmen on January 21, 2014.**

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #2 – July 16, 2013

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:59 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe, and Recording Secretary Bernard.

The Board was asked by Town Administrator O’Keefe to consider the hiring of a new Assessing Coordinator. O’Keefe had completed the second round of interviews for this position earlier in the day and had a firm hiring recommendation for consideration by the Board. He recommended the hiring of Coleen Birmingham.

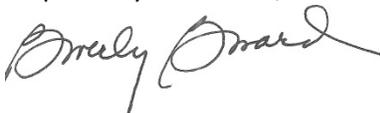
O’Keefe said it was a difficult decision between the final two candidates, each with different skill sets, but either of the two would have worked. Birmingham has experience having worked at the City of Keene for 23 years. She got her degree in the evening program, going to school while she was working. O’Keefe suggested the Board offer her the position at \$16.00 per hour. She isn’t working right now and can start immediately. Carlson remarked that she knows what an MS-1 form is.

Colby made a **motion** to authorize the Town Administrator to make a conditional offer at \$16.00 per hour to Coleen Birmingham for the Assessing Coordinator position and authorize the Town Administrator to sign the Personnel Action Report subject to completion of satisfactory background checks. Davis seconded the motion and all were in favor. **Motion passed.**

O’Keefe will write letters to the others letting them know the position has been filled.

**Motion** by Colby to seal the minutes of the non-public session. The motion was seconded by Davis. 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. The motion was seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:06 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 30, 2013.

**These Minutes unsealed by the Board of Selectmen on January 21, 2014.**