

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – December 23, 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 10:00 a.m. at the Swanzey Police Department. Also present were Town Administrator Shane O'Keefe and Recording Secretary Beverly Bernard.

MINUTES

- Regular meeting of December 10, 2013 – **motion** was made by Colby to accept the regular meeting minutes of December 10, 2013 with removal of typographical error “to” on page 4. The motion was seconded by Carlson and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of December 10, 2013 – Colby **moved** to accept the non-public meeting minutes #1 of December 10, 2013. The motion was seconded by Carlson and all were in favor. ***Motion passed.***
- Non-Public meeting #2 of December 10, 2013- Colby **moved** to accept the non-public meeting minutes #2 of December 10, 2013. The motion was seconded by Carlson and all were in favor. ***Motion passed.***

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

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(a), Personnel Matters, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 10:02 a.m. ***Motion passed.*** Present were the Board members, Town Administrator Shane O'Keefe, and Recording Secretary Bernard.

Motion was made 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 10:20 a.m.

Motion was made 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.***

Megan Foley from the Keene Sentinel joined the meeting at 10:21 a.m.

There was a brief discussion on damage to the Thompson covered bridge done by someone pulling a trailer with a forklift on it. The individual responsible did notify authorities and will be subject to a fine for ignoring the warnings at the entrance to the bridge regarding the safe operation of vehicles on the bridge.

OLD BUSINESS

Noise Ordinance

Chief of Police Tom DeAngelis joined the meeting at 10:22 a.m. A discussion occurred regarding the Noise Ordinance enacted by the Board on June 26, 2012 and amended on July 10, 2012 that later was found to be an ordinance that requires Town Meeting approval. DeAngelis and the Board discussed

suggested changes in the ordinance some of which was contributed by State of New Hampshire Prosecutor Jean Kilham. The revised version was submitted to the Board for consideration.

DeAngelis said he spoke to Kilham about her revamping of the ordinance in order to make it winnable in a court of law. DeAngelis said the issue is about the quality of life for the residents of the Town. Carlson asked how one determines what an acceptable level of noise is. DeAngelis said that the issue is how the police approach and handle noisemakers. He said the courts are interested in giving noisemakers reasonable time to adjust because some folks simply aren't aware that they are negatively impacting on their neighbors. DeAngelis said it takes some common sense. He went on to say that if a police officer shows a reasonable attitude and gives the noisemaker warning, then the court will rule favorably. He said a Judge usually has no problem with the determination by the police that the noise is negatively affecting others so long as the police are being reasonable.

Davis asked about specific items under unnecessary noise. She wanted to know if unnecessary noise includes someone driving by and blowing a horn to say hello. A discussion followed about Harley Davidson motorcycle noise; DeAngelis said that the police do not stop drivers for exhaust type of noise from vehicles and a brief honk of a horn did not constitute a nuisance. DeAngelis said that a part of the ordinance is geared toward modified exhaust systems that are not legal and persistent noise. Colby affirmed that the purpose of the ordinance appeared to be oriented toward the habitual offender. Carlson agreed saying that the ordinance gives the police power to go after repeat offenders who ignore their neighbor's complaints about the negative impact on their quality of life.

Carlson asked DeAngelis if he knew what the fine is for damaging a covered bridge. DeAngelis said he thought the fee is \$50.00 plus pay for the damage. Davis mentioned that the Town needs to get word out that people who don't pay attention to signage will get fined and need to pay for damages. The Town has several signs giving fair warning about the Town's covered bridges and their inability to handle trailers and tall vehicles. People who do damage are simply ignoring the information provided or not paying attention to signs and therefore driving unsafely. DeAngelis noted that photos could be taken of the signs to show at court that the Town provides adequate information about the bridges before anyone needs to cross them.

Colby said he recommended that the redefined ordinance be placed on the 2014 Warrant. Carlson said it should be mentioned on the publication "Swanzy Uncovered" as well. The Board also discussed the next step which would be to draft a Warrant Article for inclusion on the Town Meeting Warrant.

Colby **moved** to put the revised noise ordinance on the 2014 Warrant Article, second by Davis, and all in favor. **Motion passed.**

DeAngelis left the meeting at 10:30 a.m.

Authorize expenditure(s) over \$1,000 – Recreation

A discussion was held regarding funding for surveying the Town-owned West Swanzy Athletic Association property. At the August 6, 2013 Board meeting it was agreed to survey the Town-owned West Swanzy Athletic Association property, but there was no final agreement on contractor or funding. Since then surveyor John Bridges has begun work on this and is soon to finalize his efforts.

Colby **moved** to authorize the hiring of John Bridges to survey the Town-owned property at 53 Main Street (former West Swanzy Athletic Association site) at a cost not to exceed \$3,000, the

funds for which shall come from the Recreation Facilities Improvements Capital Reserve fund. Second by Carlson and all were in favor. **Motion passed.**

NEW BUSINESS

Update Cemetery fee schedule

Department of Public Works (DPW) Director Lee Dunham joined the meeting at 10:40 a.m. to ask the Board to consider updating the cremation lot price from \$200.00 to \$300.00, to better align pricing and to reflect the fact that the lots are now 6' X 6', instead of the original previous dimension of 4' X 4' when the price was set. A brief discussion was held regarding cornerstones for the lots. Discussion on cremation lots, originally set up for 4' X 4', limited to four cremated remains. Lots 6' X 6' will hold six cremated remains. Dunham noted that these lots are purely for cremation only and that they are located on the side of the hill on Mountain View Cemetery and similar locations. Dunham also noted that more and more people are doing cremations. The goal is that the lots are closer to size of single burial lot. A single cremation lot is ¼ of a full single burial lot.

Davis **moved** to amend the cemetery fee schedule by increasing the price of cremation lots from \$200.00 to \$300.00 for all new lots, effective immediately, while keeping the price at \$200.00 for existing lots (4'X 4'). Second by Colby and all were in favor. **Motion passed.**

A brief discussion was held about the state of the roads during the past few days when freezing rain was predicted, but did not occur. Dunham said that it is possible that the roads will freeze up tonight. There was discussion about potholes and odd temperature swings.

A brief discussion was held regarding the acquisition by the DPW of a paint liner for crosswalks. Carlson asked Dunham if he had included it in his budget for 2014. Dunham said he had not included it in his budget and referred to the fact that the machines are expensive and are only used for one week per year. He said he would research a bit more before giving a recommendation to the Board about acquiring one.

Dunham and Davis left the meeting at 10: 55 a.m.

Warrant Article – Revenue Development District

This was briefly discussed at the December 10, 2013 meeting at which time the Board suggested having the Town Attorney review the language. It was learned that Steve Bittel of the Revenue Development District Advisory Board worked with Bond Counsel (Devine Millimet) to draft the proposed language.

At its November 25, 2013 meeting, the Revenue Development District Advisory Board voted to recommend that the Selectboard include the following article on the 2014 Town Meeting Warrant:

Article: To see if the Town will vote, pursuant to the applicable provisions of RSA 162-K, to amend the Tax Increment Financing Plan for the Swanzey Revenue Development District (the "District") to permit tax increments generated by development in the District to be used to pay for capital expenditures of the District in addition to being used to pay debt service on bonds issued to finance District improvements and related District expenses.

The Board was asked to consider this request which allows tax increments to be used for capital expenses in addition to the other uses permitted ("payment of bond issued to finance infrastructure costs and related development district expenses").

Motion by Colby to accept the language of the Article as recommended above for the article to be offered by the 2014 Town Meeting Warrant, second by Carlson and all were in favor. **Motion passed.**

Annual contract for registry research and mortgage notification

Again this year the Town contracted with Total Notice for required registry mortgagee and lien holder research/mortgage notification services for a cost of \$15/parcel, which came to \$3,215. This turned out to be advantageous way to meet this statutory requirement as it relieves staff effort and liabilities for errors and omissions. There is no proposed change in cost for this service for the coming year.

Colby **moved** to authorize the Town Administrator to enter into an agreement with Total Notice for required registry mortgagee and lienholder research & mortgage notification services. Second by Carlson, and all were in favor. **Motion passed.**

Consider change(s) to Personnel Policy

The Board was asked to consider changes to the Personnel Policy based on recent decisions of the Board. A discussion was held regarding the changes to be considered and it was agreed that the changes were housekeeping in nature.

Colby **moved** to make corrections of housekeeping nature in the Personnel Policy as provided in the meeting packet, seconded by Carlson, and all were in favor. **Motion passed.**

Accept unanticipated funds per RSA 31:95-b

The Board is asked to accept cash and checks as follows, totaling \$1,207, as contributions to the Whitcomb Hall Non-Restricted fund:

- Barbara & Richard Sault (calendar sales) -- \$10.00
- Kathryn & Stephen Schnyer (calendar sales) -- \$70.00
- Margaret Maxfield (calendar sales) -- \$10.00
- Peter N. Johnson (calendar sales) -- \$250.00
- Cash from calendar sales -- \$570.00
- Cash from mug sales at Gomarlo's -- \$237.00
- Jonathan Hoden (mug sales) -- \$60.00

Colby **moved** 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. Second by Carlson and all were in favor. **Motion passed.**

Accept unanticipated funds per RSA 31:95-b

The Board was asked to accept a contribution of \$1,500 from PSNH for the Ashuelot Rail Trail project.

Colby **moved** to accept and expend unanticipated funds in the amount of \$1,500 donated by the Public Service of New Hampshire on the Ashuelot Rail Trail project. Second by Carlson, and all were in favor. **Motion passed.**

Authorize expenditure(s) over \$1,000 – Town Report

The Board was asked to authorize acceptance of a proposal for production of the 2013 Town Report. The Town received proposals from Silver Direct, Inc. of Keene (Range is \$1,210 - \$1,320) and Howard Printing of Brattleboro (Range is \$1,545 to \$1,670) and it is recommended that we accept the proposal from Silver Direct, Inc.

Colby **moved** to accept the bid from Silver Direct, Inc. to produce the annual Town Report, to expend up to \$1,350 for this service from account # 01-4130-3-550, and to authorize the Town Administrator to execute any documents necessary to secure the required services. Second by Carlson, and all were in favor. **Motion passed.**

Transfer from Old Home Day Non-restricted Fund Trust Account

The Board was asked to authorize the transfer of funds from the Old Home Day Non-restricted Fund Trust Account to the General Fund to cover the shortfall of funds related to Old Home Day. The budget allocates \$5,000 for Old Home Day and the amount expended was \$6,095.39, leaving a balance of \$1,095.39. The trust account provides that the “funds shall be used for promotion and implementation of Old Home Day and related charitable efforts only, and the Board of Selectmen are hereby designated as agents to expend these funds”.

Colby **moved** to authorize the transfer of \$1,095.39 from the Old Home Day Non-restricted Fund Trust Account to the General Fund to cover expenses related to promotion and implementation of Old Home Day. Carlson seconded the motion, and all were in favor. **Motion passed.**

Nuisance Regulation of homes with junk and/or garbage in yards

Health Officer BethAnne Tatro joined the meeting at 11:13 a.m. to discuss possibilities for nuisance regulations under RSA 147:1.

Tatro said the Town really needs to do something about the presence of junk and garbage in some yards, noting that much discussion has been going on across the State of New Hampshire about the problem which is affecting many towns in the State. For some people it is a type of addiction, for others it is hoarding which is can be caused by an obsessive buying problem. Carlson said that for hoarders perhaps the need is for psychiatric help, not an ordinance. It’s a mental issue for some people. Tatro said some people have pending foreclosures and haven’t gone to the Recycling Center in years. Carlson asked if there is really a way to enforce the ordinance and a way to collect money from such people. Tatro said if the offender does not have money, then you try to develop open communication with them. Perhaps a beautification club would be helpful. She said Winchester had such a program in the past and it had a positive impact on the Town of Winchester. A little communication between neighbors can be helpful as well. Tatro said that the problem often involves people who are transients and have no vested interest in the town.

Tatro said she is encouraging the Town to have a Nuisance Ordinance which would cover the presence of junk and garbage in residential yards. O’Keefe said that according to RSA 147:1 – health officers of Towns in the State of New Hampshire can make regulations in response to a nuisance and not have to take it to the residents of the Town for a vote.

Tatro was asked to come up with a nuisance regulation to recommend to the Board of Selectmen. O’Keefe suggested a list of things that are considered nuisances be included in the language of the ordinance: garbage, unwanted items stacked outside their homes, animal waste, bedbugs are just a few.

Tatro mentioned that RSA 48(a): 14 and RSA 540:1-3 address bedbugs which have become an issue in the State. She noted that landlords now have an obligation to prove that they do not have bedbugs prior to someone moving in. She went on to say that if the tenants move and bring them in then eviction is allowed for the non-compliant tenant.

Colby asked that Tatro pursue the ordinance.

Tatro agreed to have a nuisance ordinance for the Board to consider at their meeting on January 7, 2014. Tatro will be scheduled for 7:00 p.m. to provide her recommendation.

Discuss 2014 Budget- Budget for Health Officer

Tatro then discussed her budget with the Board. She suggested taking the mileage line item out of the budget since she does not usually claim the mileage. O'Keefe suggested a salary position for Tatro instead of hourly payment, which means Tatro would receive a check each month. It was also suggested by Carlson that her salary include the money currently allocated for mileage expenses. Tatro then noted that the Professional fees line item should be \$75.00 for 2014. Tatro noted that the cost of trash removal (helping the Recycling Center balance its receipts) was taken out of Postage & Miscellaneous budget line. Colby suggested making it \$500.00 for Postage & Miscellaneous for 2014. Carlson agreed.

Tatro spoke about her gratefulness for support from the Police Department when on a call to a house. Colby said the Board is appreciative that there is cooperation between departments in the Town of Swanzey. Tatro also asked about liability for injury on the job and Colby said that he thought Worker's Compensation would cover her.

BUDGET 2014

A brief discussion was held on changes to the Capital Improvements Fund in the budget.

CONSENT AGENDA

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

- Authorization for carry-forward appropriations
- Abatement of property taxes (federally-owned). Map 21, Lot 24 – \$3,427
- Abatement of property taxes (Current Use). Map 31, Lot 14-5 – \$1,380
- Abatement of property taxes (Current Use). Map 31, Lot 14 – \$73
- Abatement of property taxes (Current Use). Map 31, Lot 14-4 – \$1,439
- Abatement of property taxes (Tax deeded property). Map 57, Lot 119 – \$1,095
- Abatement of property taxes (Tax deeded property). Map 73, Lot 6 – \$807
- Abatement of property taxes (Tax deeded property). Map 66, Lot 4 – \$321
- Abatement of property taxes (Tax deeded property). Map 82, Lot 8 – \$1,704
- Abatement of property taxes (Tax deeded property). Map 72, Lot 63 – \$1,699
- Abatement of property taxes (Tax deeded property). Map 57, Lot 115 – \$1,908
- Abatement of property taxes (Tax deeded property). Map 25, Lot 13-5 – \$2,573
- Abatement of property taxes (Tax exempt NHHFA property). Map 18, Lot 194 – \$3,366
- Abatement of property taxes (Tax exempt City of Keene property). Map 37, Lot 36 – \$5,954
- Reimbursement/transfer from Conservation Fund to General Fund
- Other items as necessary

ADJOURNMENT

Motion to adjourn was made by Colby and he offered a wish to all the citizens of Swanzey a Merry Christmas, second by Carlson. **Motion passed.** Adjournment at 12:15 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Beverly Bernard". The signature is written in a cursive style with a large initial "B".

Beverly Bernard, Recording Secretary

Approved on December 30, 2013.