

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – March 18, 2014
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III. The meeting was called to order by Colby at 6:00 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe.

OTHERS PRESENT: Assessing Coordinator Coleen Birmingham. Later in the meeting the Board was joined by Public Works Director Lee Dunham, Fire Chief Norm Skantze, Town Attorney Gary Kinyon, Revenue Development District Advisory Board members Glenn Page and Steve Bittel, resident Norman Hassell, and Boy Scout Liam Morris.

MINUTES

- Regular meetings of March 4, 2014 and March 11, 2014 – **motion** was made by Davis to accept the regular meeting minutes of March 4, 2014 and March 11, 2014. The motion was seconded by Colby and passed with Davis and Colby in favor and Hutwelker abstaining. ***Motion passed.***
- Non-Public meeting minutes of March 11, 2014 – Davis **moved** to accept the minutes of non-public meetings #1 and #2 of March 11, 2014. The motion was seconded by Colby and all were in favor. ***Motion passed.***

NOMINATIONS

Elections of Chair, Vice Chair and Secretary

Davis **moved** to nominate Kenneth P. Colby Jr. as Chairman of the Board of Selectmen for the ensuing year. The motion was seconded by Hutwelker, and all were in favor. ***Motion passed.***

Hutwelker **moved** to nominate Deborah J. Davis as Vice-Chairman of the Board of Selectmen for the ensuing year. The motion was seconded by Colby, and all were in favor. ***Motion passed.***

Davis **moved** to nominate W. William Hutwelker, III as Secretary of the Board of Selectmen for the ensuing year. The motion was seconded by Colby, and all were in favor. ***Motion passed.***

Designation of representatives to the Planning Board and Open Space Committee

Hutwelker and Colby expressed interest in serving on the Planning Board and Open Space Committee, respectively. The Board discussed maintaining a 4-month rotation on the Planning Board for its representative.

Davis **moved** to appoint Hutwelker, III as the Board’s representative to the Planning Board for a 4-month term beginning on April 1, 2014. The motion was seconded by Colby, and all were in favor. ***Motion passed.***

Davis **moved** to appoint Colby as the Board’s representative to the Open Space Committee. The motion was seconded by Hutwelker, and all were in favor. ***Motion passed.***

Town Treasurer

The Board reviewed a letter of resignation from the Town Treasurer position submitted by Hutwelker due to his being elected to the Board of Selectmen.

Davis **moved** to appoint Lynda J. Faulkner as Town Treasurer with monthly compensation of \$322.07, which may be adjusted in the future as the Board deems appropriate. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

It is expected that Faulkner will recommend an appointee for the Deputy Treasurer position right away.

Open Space Committee

The Board reviewed nomination forms submitted in response to a notice of vacancies posted by the Town Administrator.

Davis **moved** to appoint Karen Sielke as a regular member of the Open Space Committee, with a term extending to Town Meeting 2017. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

Davis **moved** to appoint Judith Hildebrandt as an alternate member of the Open Space Committee, with a term extending to Town Meeting 2017. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

Davis **moved** to appoint Victoria Reck Ames as an alternate member of the Open Space Committee, with a term extending to Town Meeting 2016. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

The Board also noted that on March 13, 2014, the Planning Board voted to recommend the appointment of Jeanne Thieme as its representative to the Open Space Committee.

Hutwelker **moved** to appoint Jeanne Thieme as a regular member of the Open Space Committee as the Planning Board representative, with a term extending to Town Meeting 2015. The motion was seconded by Davis, and all were in favor. **Motion passed.**

Conservation Commission

The Board reviewed a nomination form submitted in response to a notice of vacancies posted by the Town Administrator. There was discussion about the Conservation Commission annually appointing one of its members to the Open Space Committee. The most recent such appointment was for Deb Crowder, whose term has expired

Hutwelker **moved** to appoint Stephen Stepenuck and Deb Crowder as regular members of the Conservation Commission, with terms extending to Town Meeting 2017. The motion was seconded by Davis, and all were in favor. **Motion passed.**

Revenue Development District Advisory Board

The Board reviewed nomination forms submitted in response to a notice of vacancies posted by the Town Administrator.

Davis **moved** to appoint Glenn Page and Steven Bittel to the Revenue Development District Advisory Board, with terms extending to Town Meeting 2017. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

Capital Improvements Program Committee

The Board reviewed a nomination form submitted in response to a notice of vacancies posted by the Town Administrator.

Davis **moved** to appoint David Osgood to the Capital Improvements program Committee, with a term extending to Town Meeting 2017. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

O'Keefe was asked to develop a nomination form that is streamlined for incumbent appointees.

NEW BUSINESS

Request for Sewer Commission Assistant to move to Town Hall

The Board discussed the Sewer Commission's request for permission to allow its Administrative Assistant Sandi Page move to the Town Hall offices, working part-time. O'Keefe noted that there is some room in the Tax Collector's office to accommodate this request, and that staff in that office have indicated that this would not be a problem..

Hutwelker **moved** to permit the Sewer Commission administrative assistant to occupy space in the tax Collector's office on a temporary basis. The motion was seconded by Davis, and all were in favor. **Motion passed.**

OLD BUSINESS

Timber sale of Town-owned Mt. Caesar/Carpenter Home property – Contract Amendment

In order extend the Mt. Caesar timber harvest to include the area along the Mt. Caesar cemetery access road and the Potash Bowl a revised contract between the Town, Bay State Forestry Service and North Country Lumber was reviewed as was a letter explaining issues with the proposed additional cutting of this small area. The original timber harvest contract was authorized by the Board on April 20, 2013 and signed by O'Keefe on May 10, 2013. The additional work would result in an additional 15,000 board feet, with white pine at \$100 per 1,000 board feet and pulpwood at \$0 per ton.

Davis **moved** to accept the proposal from North Country Lumber for additional timber harvesting for the Mt. Caesar/Carpenter Home timber sale and to authorize the Town Administrator to execute the contract amendment on behalf of the Board. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

Disposition of tax deed properties

The Board reviewed information prepared by O'Keefe on the disposition of properties taken by tax deed in 2013, including the following:

FORMER OWNER	LOCATION	MAP/LOT	MIN. SALE PRICE
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SCHEDULED FOR SALE ON APRIL 22, 2014			
Earle, Diane	79 S Winchester ST	72/63	\$ 45,700
Pratt Estate, Ruth E.	159 Cobble Hill RD	82/8	\$ 36,050
Robinson, Jay	160 Goodell AV	25/13-5	\$ 53,000
Whitten, Randy	Rabbit Hollow RD	66/4	\$ 8,900

EVICTION NOTICE SENT ON MARCH 3, 2014			
Davis, William	147 Pine ST	57/119	
Ford, Richard & Grace	3 Fords RD	73/6	

HOLD FOR POTENTIAL TOWN USE			
Hall, Barry & Cindy	120 Pine ST	57/115	

O'Keefe noted that he proposes advertising the tax sale twice and to hold a viewing on April 11 and have sealed bids due on April 22 for consideration by the Board that evening. Hutwelker suggested including a provision of the bid whereby proof of funds or financing would be required.

Hutwelker **moved** to approve the tax sale provided proof of funding or financing is included in the bid solicitation. The motion was seconded by Davis, and all were in favor. **Motion passed.**

Regarding the Hall property, O'Keefe noted that there is potential for its use as expansion area for the Public Works facility and it should not be offered for sale until such time as the ongoing municipal facilities analysis is completed. He also noted that the former owner had auto-related equipment in the building that he wishes to remove. O'Keefe stated that he had informed the former owner that this would have to be completed within one day while supervised by Town staff. There was some concern that the equipment could be hazardous.

Resident Norman Hassell, Town Attorney Gary Kinyon and Boy Scout Liam Morris entered the meeting at 6:15 p.m. Steve Bittel arrived at 6:30 p.m.

Settlement of property tax assessment appeal – Norman & Denise Hassell, 101 Partridgeberry LN (Map 41, Lot 42). Abatement Application #2012-002

The Board discussed with Norman Hassell his appeal of the Town's 2012 assessment of his property, for which the Board of Land and Tax Appeals has ordered the parties to meet and attempt to settle the matter before a hearing is set. Assessing Coordinator Coleen Birmingham mentioned that the 2012 assessed value for this single-family ranch style home was \$220,100. Applying the 2012 equalization ratio of 113.6% provides an equalized value of \$193,750. The appellants claimed the value should be \$187,000, which is the value given in an appraisal value and is \$6,750 less than the equalized value, and represents a 2012 tax difference of \$162. On 6/4/2013 the Board of Selectmen considered the original abatement request and decided not to grant it. On 8/9/2013 the Hassells formally appealed to the BTLA for relief (Docket # 26728-12PT).

Gary Kinyon described the assessment process and the appeal process to those present. He mentioned that the basis for the Town's denial of the original appeal was that the Town's and appellant's values

were so close, and that the burden of proof is on the appellant to make the case that the Town has erred in its assessment.

Glenn Page entered the meeting at 6:38 p.m.

Kinyon suggested compromising somewhere between the two figures. Hassell stated that his appraisal, which was conducted on August 27, 2012 for mortgage valuation, and other recent sales indicate that his valuation is accurate.

Board member Hutwelker excused himself from the meeting temporarily at 6:45 p.m.

Colby stated the Board's wish to settle the matter. Davis and Colby recommended a settlement value of \$216,000. Hassell agreed to this.

Lee Dunham and Norm Skantze arrived at 6:50 p.m.

Kinyon stated that he would draft the settlement agreement and work with Birmingham to arrange for executing and filing of the documents with the BTLA.

Kinyon, Birmingham and Hassell left the meeting at 6:55 p.m.

Discuss Safford Drive extension project

The Board met with Revenue Development District Advisory Board (RDDAB) members Glenn Page and Steve Bittel to discuss this project. O'Keefe suggested that the Board enter non-public session under RSA 91-A:3II(d) to discuss the acquisition and sale of real property related to the Safford Drive project. Colby and Davis agreed that the discussion could be held in open session.

Page explained that insofar as compensation for impacts on the Clearwater Pool and Spa property, the RDDAB recommends payment of \$40,000 and conveyance of a half-acre parcel divided off from the Cheshire Fairgrounds by virtue of laying out the road. The Town would also be acquiring easements for drainage and maintenance on behalf of the NH Department of Transportation which are required for issuance of a permit to connect Safford Drive to NH Route 12.

Regarding the Cheshire Fairgrounds, he stated that the Town would pay \$107,000 for the land needed for the road right-of-way and the aforementioned half-acre parcel, and a tax assessment agreement that would remove from the tax rolls the arena building when it is no longer used for commercial purposes, resulting in a \$1 million assessed value.

Board member Hutwelker returned to the meeting at 7:02 p.m.

Due to the advantages that this project provides to property owned by Medcare, LLC/John Burk, there would be no cost for acquisition of this land for the project.

It was also mentioned that a small parcel of land would be required along the roadway for installation of a booster station for water supply that would eventually be conveyed to the North Swanzey Water and Fire Precinct.

Bittel distributed financial calculations that he had developed for the project. He explained that the Advisory Board wants to see the project go out to bid as soon as possible. He explained that if the required 20-year bond, expected to be \$2.8 million, is purchased at present rates the project would run at a slight deficit. To be conservative he includes 5 years of use of reserves to address the deficit. He mentioned that recent Town Meeting vote (Article 8) allows for use of existing tax increments for infrastructure costs.

Davis **moved** to proceed with the project, agreeing with the proposed negotiated real estate deals as presented, and to bid out the project as soon as possible. The motion was seconded by Hutwelker, and all were in favor. ***Motion passed.***

Regarding the bond for the project, Bittel presented an engagement letter from the law firm of Devine Millimet for bond counsel services not to exceed \$10,000. He explained that the firm also represents Fairpoint Communications in a tax assessment case against the Town but that the two matters were unrelated and he felt there to be no real conflict of interest. He stated that he has a long history of working with the firm and recommended that the Board authorize its engagement. He mentioned that there will be some work necessary for the Town's regular counsel on this but that this is carried in the project budget.

Hutwelker **moved** to accept the proposal from Devine Millimet for bond counsel services and to authorize the Town Administrator to sign the document on behalf of the Board. The motion was seconded by Davis, and all were in favor. ***Motion passed.***

Regarding the intended bond, Bittel stated that there is likely to be several bidders. He asked for permission to solicit interest from banks for this.

Hutwelker **moved** to authorize Steve Bittel, as a volunteer citizen member of the Revenue Development District Advisory Board, to contact banks on the bond and report back to the Board of Selectmen. The motion was seconded by Davis, and all were in favor. ***Motion passed.***

Economic Development Advisory Committee

Bittel raised the recent efforts of the EDAC, in concert with the RDDAB, to market and develop branding for the Revenue Development District. The effort has led to a recommended name of the "Southwest New Hampshire Enterprise Zone", and a logo statement shortened to "SW-EZ", which he requested the Board to accept. There was unanimous acceptance on the part of the Board for this branding.

It was acknowledged that the branding could change as circumstances change. The Board members thanked Bittel and others involved in the marketing effort.

Bittel and Page left the meeting at 6:26 p.m.

OTHER MATTERS

General discussion of Public Works Department matters. Public Works Director Lee Dunham updated the Board on Public Works Department matters. First he mentioned budgetary concerns, noting that February was a very work-intensive month given the weather and resultant road conditions. He mentioned that the overtime budget is under strain already, but that fuel and salt expenditures are under control so far. Salt purchases in 2013 have helped with 2014 expenditures. Overall the budget is

in good shape. O'Keefe asked if he felt that budget adjustments were necessary at this time, to which Dunham answered no. Dunham provided expense data to the Board for review, with figures tracked for overtime, fuel and salt expenditures since 2010.

Hutwelker asked for figures on quantities used in addition to costs. Dunham distributed data on salt usage by month since 2005. Dunham added that adequate salt in storage has only been an issue in one out of the past few years.

He noted that this is a particularly bad year for roadway potholes. The Board asked about the status of the annual road reclamation plans. Dunham responded that, due to the poor road conditions, he would can't finalize the reclamation plan until the winter has run its course and he can better determine road conditions and assess which roads need attention the most.

He stated that the Request for Qualifications for the main Street reconstruction project engineering is coming soon.

He discussed hiring for cemetery maintenance work, noting that he is looking to hire in April for may start of work.

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91:3II(c), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:45 p.m. **Motion passed.** Present were the Board members, Town Administrator Shane O'Keefe and Public Works Director Lee Dunham.

Motion by Hutwelker, seconded by Davis, to seal the minutes of the non-public session. **Motion passed.** **Motion** by Hutwelker to leave non-public session and return to public session, seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 7:50 p.m.

2014 Budget adjustments

O'Keefe raised the issue of whether to make budget adjustments now before staff enters the budget into our accounting system, or to make budget transfers at a later date to accommodate any budgetary constraints as they arise throughout the year. He felt that the only concern at this time was Highway overtime. No budget adjustments were recommended or approved at this time.

Dunham left the meeting at 7:55 p.m.

General discussion of Fire Department matters. Fire Chief Norm Skantze updated the Board on Fire Department matters. He handed out a letter of resignation from EMS Coordinator Kelson Mulcahy, who is relocating. Skantze stated that Mulcahy has done an excellent job for the Department and Town in his position and will be sorely missed. Skantze described the executive officers for the Department reporting directly to the Chief, namely the Deputy Chief, the EMS Coordinator and the Fire Inspector. He requested that the Board allow him to advertise the vacancy in order to allow for the possibility of outside applicants. The position requires that a candidate has an advanced EMT certification, but he prefers that the individual has paramedic level certification and the ability to be an effective instructor. The position would be at the Captain level pay rate.

Davis stated that she believes this position needs to be filled. The Board members each expressed their support for advertising and rehiring the position.

Skantze distributed a written report to the Board. He went on to review data on calls and inspections, the roster and status of Departmental personnel, and the roster, location and status of Department apparatus.

He described efforts to assist with the municipal facilities study being organized by the Capital Improvements Committee. Skantze distributed data that he had provided to the consultants, and noted that 90% of calls are responded to within 8 minutes of being toned out.

Skantze handed out, and the Board reviewed with him, a list of 25 current and future goals for the Department, including a list of annual/recurring expenses.

Skantze left the meeting at 8:25 p.m.

Annual Adoption of Liability Statutes, RSA 31:104, 105, 106, RSA 508:12-b

The Board briefly discussed provision of liability and indemnification protection to officials, employees and volunteers of the Town.

Davis **moved** to reaffirm the adoption of the liability provisions of RSA 31:104, 31:105, 31:106 and 508:12-b. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

NEW BUSINESS

Town employee compensation. The Board discussed employee compensation for 2014, specifically cost-of-living adjustments (COLA) and merit increases. The budget was assembled using a 3% across-the-board increase. O'Keefe noted that the Social Security Administration set a cost-of-living adjustment (COLA) of 1.5% for social security benefits and supplemental security Income (SSI) on October 30, 2013. He also recommended that any compensation increases be effective as of March 30, 2014, that the Board sign the compensation approval documentation on March 25 and April 1, 2014, and that increases would be reflected in paychecks to be issued April 10, 2014.

Hutwelker **moved** to approve, effective March 30, 2014, a salary increase of 3% for all department heads. The motion was seconded by Davis, and all were in favor. **Motion passed.**

Davis **moved** to approve, effective March 30, 2014, a cost of living adjustment of 1.5% to all other full-time and regular part-time employees, plus merit increases which, when added to the cost-of-living adjustment, equals a total departmental pay increase of 3.0%, with individual merit increases determined by department heads depending upon individual performance assessments. The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

OTHER MATTERS

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91:3II(a), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:45 p.m. **Motion passed.** Present were the Board members and Town Administrator Shane O'Keefe.

Motion by Hutwelker, seconded by Davis, to seal the minutes of the non-public session. **Motion passed.**

Motion by Hutwelker to leave non-public session and return to public session, seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:53 p.m.

Code Enforcement Officer

Hutwelker briefly discussed the impending retirement of Code Enforcement Officer Chet Greenwood, and remarked about how valuable an employee he has been to the Town

Pilgrim Pines Tax Settlement

O'Keefe noted that he had received a request from the East Coast Conference of the Evangelical Covenant Church (d/b/a Pilgrim Pines) to meet and discuss the re-negotiated of the tax settlement between the organization and the Town, which is expiring this year. O'Keefe requested the participation of one of the Board members in the meeting with Dave Cairns and a representative of the parent organization, which is located in Connecticut. He mentioned several meeting dates and times for consideration.

The Board agreed that Colby would participate, and Colby asked O'Keefe to contact him the next day to discuss scheduling.

Payment arrangement – Neil & Cindy Livengood, 84 Joslin RD (Map 18, Lot(s) 1)

O'Keefe mentioned that he had received a request from the owners of 84 Joslin Road seeking forbearance on the March 2014 payment under a payment agreement approved by the Board on April 10, 2012. He had not placed the matter on the agenda because of a 12/27/2012 vote by the Board to allow forbearance on a December 2012 payment but indicating that no further waivers would be granted. He noted that a letter had been sent to the property owners in December 2013 stating that there have been several payments missed. O'Keefe noted that payments were not received in February, July, September and October and December of 2013.

The Board agreed that the Livengoods must attend the next meeting in order to be considered for waiver of a payment, and asked O'Keefe to invite them..

Conduct of Meetings

Colby stated that he wants matters not specifically noted on the agenda brought to his attention at the beginning of the meeting so Board members can be better prepared.

He also stated that at the end of meetings he wants to review the agenda and note priorities for the Board and Town staff at the end of each meeting. Priorities at this time are as follows:

- Go out to bid on the Safford Drive extension project
- Invite the Health Officer to meet with the Board
- Resurrect the pending matters list
- Restart the E911 Committee street renaming effort

The Board discussed other priorities, such as the dams, and priority management in general. Difficulties in dealing with State agencies on some projects were raised.

Vision Government Solutions, Inc.

The Board discussed the fact that representatives of the Town's assessing contractor would be attending the next meeting. Colby stated that they need to step up to the plate and answer questions for the Board. Hutwelker noted that he had been informed by a representative from another town that they had changed contractors and no longer use VGSI. There was discussion about going out to bid for the next round of assessment in the coming years. Davis stated that no assessing company is going to be perfect. Hutwelker noted some difficulty with looking up some assessment information, particularly photos, on the Town's on-line system. He has not experienced these difficulties with information from other companies.

West Street Issues

Hutwelker noted that he had been contacted by a resident of West Street noting that there is a lot of partying and other activity on the class 6 portion of the road. He'll send to others the email he received. Davis noted that police vehicles with all-wheel drive can now access these remote areas.

ADJOURNMENT

Motion to adjourn was made by Davis, second by Hutwelker. **Motion passed.** The meeting adjourned at 9:34 p.m.

Respectfully Submitted,

Shane O'Keefe, Town Administrator

Approved on March 25, 2014

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #2 – March 18, 2014

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91:3II(a), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:45 p.m. **Motion passed.** Present were the Board members and Town Administrator Shane O’Keefe.

Following up on brief discussion at the last meeting, the Board discussed that fact that recent communications with Health Officer BethAnne Tatro have gone unanswered, including requests from the NH Department of Children, Youth and Families. It was noted that she lives and works far from Swanzey. It was also noted that she recently went to salary because of the fact that she would not submit time sheets until late in the year, and further she had not followed up on the “junky property” ordinance that she was asked to complete. Davis stated that it is most disturbing that there is no way to get ahold of her, and that she may have simply taken on too much, given her work with other towns. Colby stated that the Town needs someone in that position who is responsive to the Board’s needs.

O’Keefe mentioned that the Fire Department could handle her responsibilities if need be. Colby stated that Tatro either needs to change the way she does her job or the Town needs to change Health Officers.

It was agreed that Tatro should meet with the Board in two weeks. O’Keefe was asked to send her an email requesting her attendance with a response requested by next week, and if there is no response to send her a letter by both certified and regular mail.

Motion by Hutwelker, seconded by Davis, to seal the minutes of the non-public session. **Motion passed.**

Motion by Hutwelker to leave non-public session and return to public session, seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:53 p.m.

Respectfully Submitted,

Shane O’Keefe, Town Administrator

Approved on April 1, 2014.

These Minutes unsealed by the Board of Selectmen on March 3, 2015.