

Town of Swanzev, New Hampshire
Board of Selectmen
Meeting – April 1, 2014
Swanzev Town Hall, 620 Old Homestead Highway, Swanzev, NH

CALL TO ORDER

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

OTHERS PRESENT: Carpenter Home Administrator Dawn Rice arrived at 6:09 p.m. Neil and Cindy Livengood arrived at 6:48 p.m.

MINUTES

- Regular meeting of March 25, 2014 – **motion** was made by Davis to accept the regular meeting minutes of March 25, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.
- Non-Public meeting of March 4, 2014 – **motion** by Davis to accept the non-public meeting minutes of March 4, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of March 18, 2014 - **motion** by Davis to accept the non-public meeting minutes #1 of March 18, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.
- Non-Public meeting #2 of March 18, 2014 - **motion** by Davis to accept the non-public meeting minutes #2 of March 18, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.
- Non-Public meeting #1 of March 25, 2014 – **motion** by Davis to accept the non-public meeting minutes #1 of March 25, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.
- Non-Public meeting #2 of March 25, 2014 – **motion** by Davis to accept the non-public meeting minutes #2 of March 25, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.
- Non-Public meeting #3 of March 25, 2014 – **motion** by Davis to accept the non-public meeting minutes #3 of March 25, 2014. The motion was seconded by Hutwelker and all were in favor.
Motion passed.

OLD BUSINESS

Board of Tax and Land Appeals (BTLA) Decision

A brief discussion was held regarding the decision by the BTLA to grant appeals for abatement of taxes to Ronald and Nancy Gocht for property shown on Map 45/Lot 12, 46 East Shore Road pursuant to RSA 76:16-a for 2011 and 2012 assessments. O’Keefe noted the calculations of refunds needed to give back to the family are \$6,209.92 plus interest of \$517.53.

Liability of Town for Injury

Following up on some discussion at the previous meeting, O’Keefe noted that staff had consulted with the New Hampshire Municipal Association regarding the liability of the Town pertinent to the condition

of property where residents receiving rental assistance are placed. He noted that the Association has opined that the Town is held harmless so long as there hasn't been a "Condition of Property" assessment by the Town as a prerequisite for assistance.

Code Enforcement Officer Hiring

O'Keefe noted that the Town is waiting for background material on the potential hire for the Code Enforcement Officer position. He informed the Board that Director of Planning and Community Development Sara Carbonneau wants the new hire to start as soon as possible. O'Keefe asked the Board to approve the hiring of the candidate in anticipation of the arrival of the background material. He noted that the first months of work for a new hire is under probationary status such that if an issue arises due to the background check, the new hire could be terminated based on that information.

Hutwelker **moved** to authorize O'Keefe to execute a Personnel Action Report (PAR) for the hiring of the new Code Enforcement Officer, the hiring of whom is subject to receipt of a satisfactory background check, second by Davis and all were in favor. **Motion passed.**

Vision Government Solutions, Inc. Contract

O'Keefe noted that the contract with Vision Government Solutions, Inc. will be reviewed by the Board next week. The NH Department of Revenue Administration (DRA) needs to be involved early on in the contract process and must have a meeting with the Town and the contractor prior to start of work. O'Keefe asked the Board if it would prefer to hold that meeting with the full Board at a regular meeting, or to appoint one of its members to attend a daytime meeting on behalf of the Board. It was noted that the term of the contract is from April 15, 2014 to August 31, 2014. Vision will hold meetings to work with residents regarding their new assessments. It was also noted that the Town is not bound to remain with Vision and could pursue a contract another property assessment firm in the future. The Board asked O'Keefe to target April 15, 2014 to meet with the DRA and Vision to discuss the processes involved.

Hutwelker made a **motion** for the full Board to meet with Vision and DRA on April 15, 2014, subject to availability of Vision and DAR on that date, and there was a second by Davis. All were in favor. **Motion passed.**

Pilgrim Pines

Discussion was held regarding the relationship between the Town and Pilgrim Pines Conference Center. O'Keefe and Colby met with Executive Director Dave Cairns and the CEO of the Eastern Coast Conference, the umbrella organization of which Pilgrim Pines is a member. The discussion centered around a court decision in favor of the Town which allowed the Town to tax much of the Pilgrim Pines property on Swanzey Lake. There was a ten year agreement signed in 2004, which expired on March 31, 2014, which allows for a graduated reduced percentage of assessed value of the property, currently at 66%. O'Keefe and Colby noted that Pilgrim Pines executives are amenable to a new five or ten year agreement, but they would like to reduce the assessment further.

O'Keefe suggested that one member of the Board be appointed to negotiate further with Pilgrim Pines folks and also suggested that Counsel Gary Kinyon be consulted. It was agreed by the Board that Colby will represent the Board on this issue. Colby said he will visit with Counsel to get up to speed on the past decision. Town Administrator will also be involved in the negotiations. There was a brief discussion on the rules governing public versus non-public meetings and it was noted that consultation with Counsel is considered not to be a meeting at all under State statutes.

Void Abatements #2013-062 & #2013-063

The Board was asked to void these abatements of interest previously approved on March 4, 2014. Tax deferrals were approved at the previous meeting related to these applications. Until tax deferrals are processed, the BMSI software adds 12% interest to unpaid balances, but once the deferral is entered into the software the system removes accrued interest automatically, thereby making an abatement of interest unnecessary.

Hutwelker **moved** to void abatements for Abatement #2013-062 and #2013-063, previously approved on March 4, 2014. There was a second to the motion by Davis. All were in favor and the ***motion passed.***

NEW BUSINESS

Summer recreation rates and regulations

The Board considered a request from Recreation Board member Judy Bohannon to authorize a \$5.00 increase in rates for Recreation Department swim program for summer 2014.

Hutwelker **moved** to authorize an increase of \$5.00 for all summer recreation swim programs, effective immediately. There was a second to the motion by Davis. All were in favor and the ***motion passed.***

A discussion was held regarding the State Legislature recently passing a new law (RSA 485-A:24, II) requiring enhanced background checks for camps and recreation programs. The law is to be handled by the New Hampshire Department of Environmental Services and rulemaking is still in process. The Town will have to adopt a background check policy, and conduct background checks annually for all recreation employees. This will cost approximately \$500 per year. Davis noted that the current swim program loses money and the additional \$500 cost will increase the yearly loss.

OTHER BUSINESS

General discussion of Carpenter Home matters

Carpenter Home Administrator Dawn Rice updated the Board on Carpenter Home matters. She provided a Monthly Report to the Board as to occurrences at the Home, and mentioned that the current census is fifteen residents. Maximum is sixteen beds. She said she is happy to have the one room vacant as it can be used for respite care. Respite care is for a person needing care while their at-home care-giver is away. The person being cared for is able to use the respite room for up to two weeks at \$110 per day which relieves the care-giver during that time.

Rice discussed the new Licensed Practical Nurse (LPN) and informed the Board that the LPN has taken another full-time position, plus working at the Carpenter Home. She needs insurance and that is why she has taken another job according to Rice. The full-time job runs from 3 p.m. to 11 p.m. and her job at the Carpenter Home begins at 6 a.m., which doesn't give her much time for rest in between. Rice noted that some mistakes have been made and the LPN believes that all she needs to do is pass out medications, but that wasn't the job description.

The report listed completed tasks at the Home including the porch being painted, the pantry painted, and the porch windows being completed, which made a difference this past winter – made it warmer for the residents. The report also included requests for future tasks like the removal of the underground oil tank. Davis asked for an estimate for that job. Rice noted the tank is empty. A discussion was held about funds to remove the tank and whether or not State funds might be available. Rice will get

estimates of the cost for removal of the tank and provide them to the Board. O'Keefe suggested getting in touch with Department of Environmental Services (DES) to make sure there isn't any requirement regarding removal of oil tanks from the ground.

Rice also mentioned other tasks for the future like replacing a rug, paint other areas of the Home, and replace floors in a variety of rooms. Rice said Bathroom "A" needs to be made into a handicap walk-in shower room, with no tub. Grand total of expenses is approximately \$11,120.50. "B" bathroom needs conversion to a toilet and sink (no shower) at a total cost of approximately \$3,167.73. There is a bathroom "C" which is being used currently. Davis asked for a prioritization of these tasks. "A" and "B" bathrooms would be Rice's top priority #1 and #2. Replacement of the rug in the Porch area would be #3. Colby asked Rice to bring in estimates for all of these tasks.

Rice also mentioned that her pet project is the Gazebo. She knows of a boy scout who would like this project to secure his Eagle Scout rank. Rice said she has checked pricing for kits for a gazebo (10' X 16' in size) and the cost is in the neighborhood of \$5,000. There was also a brief discussion about handicapped access to the gazebo. Rice said that she would like to use some of the money to be achieved from the logging operation presently being conducted on the property.

Rice left the meeting at 6:43 p.m.

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

The Livengoods arrived at 6:48 p.m. The Board was brought up to date on the status of the payment plan for the Livengoods. The original payment plan of \$300 per month for this property owner for delinquent taxes and interest was approved by the Board on April 10, 2012. On December 27, 2012, at the request of the property owners, the Board voted to allow for a monthly payment to be missed, but indicated that it would not approve any future waivers under this agreement. O'Keefe mentioned that scheduled payments in February, July, September, October & December 2013 were not made. It was noted that the Town Administrator wrote a letter to the Livengoods on December 18, 2013 and stated that the agreement would be considered null and void if all payments due were not paid in full by January 20, 2014.

Mr. Livengood asked for a waiver of payment for the month of March 2014 and he said he has had some serious health issues. The Board also reviewed a letter Mr. Livengood had written for the Board describing his health issues. They agreed to resume monthly payments this month. Hutwelker asked what will change in April, to which Mr. Livengood responded that there are no more hospital appointments and no travel to Lebanon planned for the future. Also an illness in the family in Texas required Mrs. Livengood to travel to Texas frequently which took most of their resources. These are reasons for lack of payment in the past according to the Livengoods. However, Mrs. Livengood's mother is now deceased and there will no longer be a need to travel to Texas.

Davis said that the problem is that with missing payments, they are getting charged interest. Hutwelker asked if they would be able to make payments regularly starting with April 2014. And they said that they would. The Board decided that they would discuss it and get back to them. The Livengoods left the meeting at 7:10 p.m.

Further discussion occurred. A decision was made to allow non-payment of the March 2014 payment and that the Livengoods must again meet with the Board again in six months. Consistency of payments is mandatory. O'Keefe was asked to convey the Board's decision to the Livengoods.

Potash Bowl Logging

O'Keefe said that the loggers are starting in on logging at the Potash Bowl area but they will be unable to chip the logs due to the small working area. The logs will be dropped and left. Francis Faulkner has offered to take the logs, at his cost, for use in an outdoor furnace. Colby said he didn't think it would be prudent to let the trees sit on the ground. Colby asked about the number of trees and the amount of wood obtained from the logging. O'Keefe said that the job should be done by the end of this week. Hutwelker said that the Board should just go ahead and approve of Faulkner taking the wood. The Board agreed that Faulkner could take the wood and that he must take all of it and leave the property in clean condition. O'Keefe will inform Faulkner.

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel matters – The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:36 p.m. **Motion passed.** Present were the Board members, Town Administrator Shane O'Keefe and Recording Secretary Bernard.

Motion was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 7:42 p.m.

Motion was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Tax Deed Properties

O'Keefe informed the Board that many of the properties going to tax deed now have payment agreements in place. Total value is \$81,000 in tax deed money owed. There is interest in properties for sale under tax deed. On the April 11, 2014 there will be a tour of properties for sale by the Town and bids are due on April 22, 2014.

Safford Drive Extension Project

O'Keefe informed the Board that there is a final version of the purchase and sale agreements ready to be distributed to those involved in property transactions related to the Safford Drive extension project. There has been direction given to the project engineer to put the project out to bid. O'Keefe noted that the Town of Swanzey Planning Board and Town of Swanzey Conservation Commission will need to review the project and then the Selectboard must hold two public hearings, tentatively scheduled for April 15 and April 29. According to O'Keefe the timeframe for completion of the project is uncertain at this point but bids will be in around the end of April. O'Keefe will keep the Board informed. Hutwelker asked about public notice and O'Keefe assured him that there will be a number of public notices for bidding the project.

Park at former West Swanzey Athletic Association property

Colby noted his concern about the appearance of the property where a future park is planned in West Swanzey by the river. O'Keefe said that Landscape Architect Jeff Goller and Bud Windsor will be attending the Board meeting next week to discuss plans for the park with the Board. Carbonneau will also be in attendance.

CONSENT AGENDA

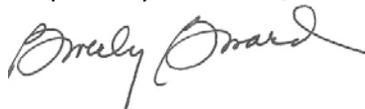
Motion was made by Davis to approve the Consent Agenda and authorizing the chair to sign where necessary. Second was made by Hutwelker. All were in favor. **Motion passed.**

- Signature and submission of plan for acquisition and sale of property related to Safford Drive Extension Project to Planning Board and Conservation Commission for review and recommendation per RSA 41:14-a.
- Certification of Yield taxes Assessed and Yield Tax Levy, Wayne Young, Map 69, Lot(s) 1 & 2 – \$67.69
- Certification of Yield taxes Assessed and Yield Tax Levy, John Blake, Map 11, Lot(s) 6 – \$1,723.16
- Notice of Intent to Excavate. Cold River Materials, Map 5, Lot 3
- Notice of Intent to Excavate. Cold River Materials, Map 5, Lot 4
- Notice of Intent to Excavate. Cold River Materials, Map 24, Lot 2-2
- Notice of Intent to Excavate. Cold River Materials, Map 32, Lot 7
- Notice of Intent to Excavate. Cold River Materials, Map 35, Lot 1
- Notice of Intent to Excavate. Mitchell Sand & Gravel, Map 86, Lot 1
- Gravel Tax Levy – \$540.76
- Personnel Action Report(s).

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. **Motion passed.** Adjournment occurred at 7:51 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 8, 2014.