

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – April 15, 2014
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, 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 Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

OTHERS PRESENT

New Hampshire Department of Revenue Administration (DRA) Appraiser Diane Frechette, Assessing Coordinator Coleen Birmingham, and Vision Government Solutions, Inc. representatives Paul McKenney and David Kersula. Revenue Development District Advisory Board members Glenn Page and Steven Bittel and Director of Planning and Community Development Sara Carbonneau were also present.

MINUTES

- Regular meeting of April 8, 2014 – **motion** was made by Hutwelker to accept the regular meeting minutes of April 8, 2014 with changes pertinent to oil tank removal from the Carpenter Home on page 4. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of April 8, 2014 – **motion** by Davis to accept the non-public #1 meeting minutes of April 1, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***
- Non-Public meeting #2 of April 8, 2014 – **motion** by Davis to accept the non-public #2 meeting minutes of April 1, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

OLD BUSINESS

Carbonneau introduced Mike Jasmine, new Code Enforcement Officer who is working approximately 15 to 20 hours per week and will be replacing Chet Greenwood when he retires at the end of the month. Jasmine provided a brief summary of his background. Jasmine informed the Board that there is a shutdown of water service on the following day to the Cutler School and the surrounding neighborhood in West Swanzey. The shutdown will be just for one day. Carbonneau and Jasmine left the meeting at 6:05 p.m.

Discuss Safford Drive Extension Project

The Board discussed the overall status of the Safford Drive extension project with Glenn Page, Steve Bittel and Town Administrator O’Keefe.

Bittel said he was disappointed with the scheduling for the road, which won’t be open until spring of 2015. The project will lay fallow during the winter. He spoke about the fact that because of seven days, the project will be shut down for 90 days during the winter months. He asked if there was some way to jiggle the schedule a bit to not have seven days cost the Town 90 days. Page said that construction crews would wait through the winter to put on a final cap on the road anyway.

Discussion went on regarding the new pump station as there could be an issue and power lines/new poles may be a potential issue. Page continued and said that if you push up the completion date for contractors, you run the risk of eliminating some contractors because they have one crew and a contractor would need multiple crews to shorten the schedule. Potential low-cost bidders might be unable to bid.

One other idea Bittel suggested is that the Town might offer a bonus to a contractor to get the road open early. Page noted that the Town maintains dirt roads now, if the contractor could get it to that level, so snow plows could work on the roads, paving could occur in the spring, and top coat added in the fall. Page's concern was limiting the contractors who might bid.

Hutwelker said his concern was about money regarding the pump station. Bittel said the financing is currently balanced. He mentioned the Collier property. Page said the Warrant Article solved that issue. The pump station is a "bid-add", but it will be bid as well. Bittel noted that the longer the road is held up, the longer it will take to market the properties, and the longer the Town will sit with a deficit. Colby mentioned the need to market the property by the appropriate folks and Bittel said that the realtors and developers are waiting for the road. Bittel left at 6:15 p.m.

Reappraisal Contract – Meeting with NHDRA and Vision Government Solutions, Inc.

The Board met with DRA representative Diane Frechette and Paul McKenney of VGSI in a required "Pre-Update Meeting", which is a review of the contract items plus a few extra questions for VGSI from DRA. Frechette began the preview meeting to monitor the process of the update. She passed out documents related to RSA 21-J:11 which govern this activity. All the properties would be brought up to market value and the finish date is August 31, 2014. She said that she needs to know if there are special value properties – like camp grounds. Data collection is done by VGSI. She explained the process of visiting properties and determining if there are errors on property reports. She noted that residents will receive a card giving them an "opt out" for DRA to visit homes as part of checking on the consultant's work. Samples of homes to visit are randomly chosen by a program showing mapping lots that she needs to visit. Properties that will be visited are listed with the Town, so that residents are assured that Frechette is a legal representative of the State. Any errors go to VGSI first to review before the Town gets to look at them. Public notices will be provided by McKenney. Hearings will probably be in July 2014. Values will be turned over to the municipalities by August 31, 2014. They will only be visiting houses sold or homes with building permits during the past year.

McKenney spoke about guidelines for Swanzey properties. Vision will get out to properties as soon as possible. Hutwelker asked about scheduling – and McKenney reaffirmed the August 31, 2014 finish date. Asked by Hutwelker if there was anything that the Board should be doing to expedite the process McKenney assured Hutwelker that they would be working to keep to the schedule. McKenney and Kersula left the meeting at 6:32 p.m.

Pre-Assessment Review

A "Pre-Assessment Review Meeting" was held, which is an overview of what to expect when the DRA does the 'exterior' work (visits for Accuracy of Data and Inventory or Building Permit properties), and the interior work (the review of files as Current Use, LUCT, Exemptions, Credits, plus a few other items). The meeting also included a review of some of the laws which govern this activity. The permits are checked to ensure the information has been properly placed on the data card. Frechette said she will begin sometime in the summer because she has ten towns to serve. Accuracy of data –

measurements are important. She also does interior assessment, exemptions for elderly, etc. She checks religious and charitable reports. Current use reports are also checked. She also checks the tax maps. And she checks the acreage of the properties. Ratio studies are done around May 2015. Frechette reviewed with the Board the 2014 Assessment Review Standards covering: Level and Uniformity of Assessments, Assessing Practices, Exemptions and Credits, Data Accuracy, Proportionality, and USPAP under RSA 21-J:11-a.l(a); RSA 21-J:11-a.l(b), RSA 21-J:11-a.(c), RSA 21-J:11-a.l(d), RSA 21-J:11-a.l(e) and RSA 21-J:14-b.l(c)

Hutwelker asked about unfinished housing construction. Frechette said that April 1st is the tax date that they work with, whatever is present on the property as of April 1st is taxed. If 75% of a home is finished by April 1st in the current year, then it will be taxed at full 100% value on April 1st the following year.

O'Keefe asked about utility assessments and Frechette said she would email the email address of the appropriate person to address those questions. Frechette and Birmingham left at 6:52 pm.

Town Meeting Articles 4 and 5

A review was held regarding the wording of Articles 4 and 5 that were proposed at Town Meeting in March of 2014, and passed by the voters. The Town Administrator informed the Board that he had consulted with DRA representative Shelley Gerlarneau and she stated that the language of the articles were acceptable and the Town was free to enter into the lease/purchase agreement as outlined in Articles 4 and 5. Davis said she likes the idea of including the total cost in the Articles in the future.

Fire Department acquisition of self-contained breathing apparatus

Fire Chief Norm Skantze requested that the Board authorize the acquisition of self-contained breathing apparatus as approved under Town Meeting Article 5. The Town received a quote from Industrial Protection Services (IPS) of Wilmington, MA for the equipment using the Massachusetts State bid pricing of \$204,742. The lease/purchase is proposed to be handled through Tax-Exempt Leasing Corp. of Libertyville, IL over 7 years at 3.29% interest, with an annual payment of \$33,222.

In addition to the new SCBAs, the proposal also calls for the trade-in of 8 old SCBAs for \$8,000 worth of equipment new SCBA-related equipment.

Davis **moved** to 1) accept the proposal for Self-contained breathing apparatus from Industrial Protection Services in the amount of \$204,742.00, to be paid through a lease/purchase agreement through Tax-Exempt Leasing Corp. over 7 years at 3.29% interest; 2) to authorize the first year payment of \$33,222.50 for the lease/purchase upon receipt of the equipment in acceptable condition; 3) to authorize the trade-in of old breathing apparatus in exchange for \$8,000 worth of new breathing apparatus equipment; and, 4) to authorize the Town Administrator to execute all documents necessary to secure the lease/purchase agreement on behalf of the Board. The motion was seconded by Hutwelker and all were in favor. **Motion passed.**

Time Warner Cable/Comcast Corp. Transaction

The Board considered correspondence, dated April 9, 2014, received from Comcast regarding its acquisition of Time Warner, the local cable provider, and a request for the Board to consent to this transaction. The Board took no action.

Northfield Mount Hermon Vendor Form

The Board was asked to authorize the Selectboard Chair to execute a vendor Agreement on behalf of the Open Space Committee for its participation in a farmers market at Northfield Mount Hermon on May 9, 2014.

Hutwelker **moved** authorize the Chair to sign a vendor permit application on behalf of the Board to allow the Open Space Committee to participate in a farmers market at the Northfield Mount Hermon School. The motion was seconded by Davis and all were in favor. ***Motion passed.***

NEW BUSINESS

Utility Reappraisal Contract – George E. Sansoucy, P.E., LLC

The Board reviewed an initial proposal from George Sansoucy to perform utility assessment work for the Town. He provides two options: The first being a one-year contract of \$21,000, and the second being a 5-year proposal to cost \$9,000 per year. The first does not provide for annual updates and presumes a similar contract to take place 5 years down the line. The second provides for an update but spreads the high first year cost out and provides for annual updates to keep assessments current.

O'Keefe reviewed the funding available for this activity. The Revaluations and Updates Expendable Trust fund had a December 31, 2013 balance of \$36,224 and with a \$35,000 contribution voted at Town Meeting the fund will have \$72,224 available for revaluation this year. With the \$65,000 VGSI contract just approved, there will only be \$7,224 available in 2014 for this effort from the trust fund, leaving the Town to use funds from the 2014 Assessor's Compensation budget line (Acct. #01-4152-1-312), which is budgeted at \$5,000. O'Keefe repeated that there is not a lot of money for this. He said that City of Keene assessing office recommended that the Town do a utility reappraisal yearly. Colby suggested that Diane Frechette from DRA be consulted as to what is the best approach to take.

O'Keefe also mentioned that he spoke to Sansoucy and suggested that the Town might want to use a different payment schedule.

No action taken by the Board at this time.

PUBLIC HEARING – Pursuant to RSA 41:14-a, the Acquisition and Conveyance of Lane and Property Chair Colby opened the public hearing at 7:03 p.m.

This was the first of two public hearings required for the acquisition and conveyance of land and other property interests related to the extension and construction of Safford Drive, to connect NH Routes 12 and 32. The next hearing is scheduled for April 29, 2014 at 7:00 PM.

O'Keefe reviewed the project details: the project calls for the Town to acquire a 2.62-acre portion of existing Tax Map 19, Lot 97-5 (owned by 234 Old Homestead Highway Realty, LLC) and a 1.15-acre portion of existing Tax Map 19, Lot 94 (owned by the Cheshire Fair Association) to lay out Safford Drive. The project also calls for the Town to acquire an additional .091-acre portion of Lot 97-5 (to be designated at Tax Map 19, Lot 97-7) for location of a water service booster station and eventual conveyance to the North Swanzey Water and Fire Precinct, and a 1.15-acre portion of Lot 94 (to be designated as Tax Map 19, Lot 94-2) to be conveyed to Monadnock Homestead, LLC for merger with Tax Map 19, Lot 64 (site of Clearwater Pool and Spa). Lastly, the Town will acquire easements along NH

Route 12 from Monadnock Homestead, LLC for eventual conveyance to the State of New Hampshire Department of Transportation.

On April 7, 2014 the Conservation Commission considered the proposal and voted “to approve the acquisition of land and development related to the Safford Drive Extension project”. On April 10, 2014 the Planning Board considered the proposal and voted “to approve of the acquisition of properties shown as proposed Tax Map 19, Lot 97-7 and proposed Tax Map 19, Lot 94-2 and conveyance and disposition of same for the purpose of completion of the Safford Drive Project in regard to the proposed layout of Safford Drive”.

The Chair asked for comments from the floor and there were none.

The Chair noted that the next public hearing will be held on April 29, 2014 at 7:00 p.m. at the Swanzey Town Hall and then closed the public hearing at 7:07 p.m.

Non-public session(s) per RSA 91-A:3II(e), Consideration or negotiation of pending claims or litigation.

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(d) , Acquisition, sale or lease of real or personal Property – The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:08 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, 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 7:15 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.**

Safford Drive Project Revisited

There was a brief discussion regarding the Safford Drive Extension project schedule with Page. Page left at 7:18 p.m.

Opening of Bids for Tax Deed Properties

O’Keefe informed the Board that the Goodell property had to be pulled from auction because the address was incorrect in the notice to the mortgagee. The property will again be ready for bidders once the corrected notice has been sent to the mortgagee.

Cresson Bridge Fire Suppression Project

O’Keefe noted that the NH State funded project on the Cresson Bridge will close the bridge for a month from approximately July 14, 2014 to August 15, 2014. August 2, 2014 is the Rail Trail Event being sponsored by the Open Space Committee and there was a brief discussion about the use of the parking area near to the bridge for the Rail Trail Event and whether or not the project will be using the parking area for staging. There was also concern expressed about conflicts with Old Home Day events, and

whether this project could be coordinated with the scour protection project also scheduled for this bridge.

Update on the Timber Harvest at Potash Bowl

O'Keefe informed the Board that all the trees are down, and there is a lot more value in the wood than had been anticipated. He said \$73,000 has already been received and there is expectation of more. The project will be done next week. Colby asked about the trees that are left, and O'Keefe suggested waiting until the loggers have cleared out to assess what needs to be done with any trees left behind. The Board agreed.

Daniello resignation from ARLAC

There was a brief discussion regarding the resignation of Paul Daniello as a member of the Ashuelot River Local Advisory Committee (ARLAC). The Board agreed that a Letter of Thanks should be sent to Daniello for his service to the Town and also that the vacancy to be posted so as to recruit a replacement for Daniello on the committee.

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

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters – The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:39 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, 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 8:04 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.**

Expenditures Review Question by Hutwelker

Hutwelker asked about expenditures when there is a trend toward either a surplus or a deficit. He wanted to know what the process is for examining the situation by the Board. O'Keefe said the Department Heads usually bring up issues as they arise. Davis said the Board doesn't want to micro-manage the Department Heads but will step in when something is amiss.

Articles 4 and 5 Revisited

Hutwelker raised again the issue of the 2014 Town Meeting Articles. He noted that Article 4 on Police Department was done correctly. He also said he was personally troubled by the language of Shelley Gerlarneau from the DRA in her response to O'Keefe's inquiry about the language of the Articles. Davis said that the intent was never to deceive the public, but the Board wants to be very clear in the future, with its use of language in the Articles regarding expenses, that all expenses will be clearly stated.

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.***

- Raffle Permit #2014-06. Vietnam Veterans of America, Chapter 1034 – Raffle of cash prizes on 11/11/2014 at the Cheshire Fairgrounds and community drives.
- Raffle Permit #2014-07. Monadnock Regional Middle/High School – Raffle of two gift baskets on 5/9/2014 at the Monadnock Regional High School.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. **Motion passed.** Adjournment occurred at 8:10 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 22, 2014.

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #1 – April 15, 2014

Non-public session(s) per RSA 91-A:3II(e), Consideration or negotiation of pending claims or litigation.

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(d) , Acquisition, sale or lease of real or personal Property – The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:08 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

Regarding the Safford Drive extension project, O’Keefe reviewed the status of the purchase and sales agreements that are pending. He said the purchase and sale agreements are in the hands of the property owners and their attorneys. He noted that the “Medcare” property, owned by 234 Old Homestead Highway Realty, LLC, is in current use, and the land use change tax is presently calculated at about \$8700, which the owners want the Town to pay. After discussion with Town Counsel, it was concluded that RSA 79-A:7,VI provides that there is no land use change requiring taxation for lands taken by eminent domain or any other type of governmental taking and that given appropriate wording in the purchase and sales agreement that references “in lieu of taking the property” there will be no change use involved and therefore no change use tax.

Hutwelker made a **motion** that there is no change in land use per RSA 79_a:7,VI and therefore no land use change tax would be applicable for the Medicare property owned by 243 Old Homestead Highway Realty, LLC. No further discussion, Second by Davis, and all were in favor. **Motion passed.**

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 7:15 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.**

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 22, 2014.

These Minutes unsealed by the Board of Selectmen on March 10, 2015.