

Town of Swanzev, New Hampshire  
**Board of Selectmen**  
Meeting – May 6, 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**

Fire Chief Norm Skantze, Director of Public Works Lee Dunham, several members of the Fire Department including Intern Justin Tracy, Ami Sarasvati (Tracy’s mother), Keene State College Safety Department Chairman Dr. Larry MacDonald, Professor David May, Keith and Pru Fraser, and Jim McConnell. The Fire Department folks left at 6:12 p.m. Megan Foley from the Keene Sentinel newspaper arrived at 6:38 p.m. and left at 7:52 p.m. Chief Skantze left the meeting at 6:43 p.m. Dunham left the meeting at 7:11 p.m. McConnell left at 7:52 p.m.

**MINUTES**

- Regular meeting of April 29, 2014 – **motion** was made by Davis to accept the regular meeting minutes of April 29, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of April 29, 2014 – **motion** by Davis to accept the non-public #1 meeting minutes of April 29, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

The Board presented a commendation to Fire Department Intern Justin Tracy for quick, decisive and lifesaving actions taken at the scene of a fire on the evening of April 4, 2014. The Chair read the proclamation to Tracy in recognition of his service to the Town and to the State of New Hampshire.

**OLD BUSINESS**

**Roundabout at NH Route 12/Lake Street/Swanzev Factory Road**

Director of Public Works Lee Dunham was present to discuss the proposed roundabout with the Board. The Town received a transmittal of design plans from New Hampshire Department of Transportation (NH DOT) for the proposed roundabout and comments are requested by May 23, 2014. Maintaining the sidewalks and the center island would be the Town’s responsibility. Dunham said the sidewalk that exists from the NH Route 12 intersection with Swanzev Factory Road and Lake Street to Roundtree Ford was put into place by the State of New Hampshire in the 1970’s and at that time the Town accepted maintenance of the sidewalk. Dunham discussed water shutoffs in the area of the roundabout. Dunham also suggested putting in a water spigot in the middle of the island at the roundabout which would be helpful to the Garden Club who maintains other traffic islands in the Town. O’Keefe suggested inviting the NH DOT to discuss the project with the Board. Colby suggested May 20, 2014 for the meeting of the Board with the NH DOT, to include someone from the North Swanzev Water Precinct and someone from the Garden Club to attend as well.

**Acquisition and conveyance of land and other property rights related to the Safford Drive extension project per RSA 41:14-a.**

The Board was asked to approve the property acquisitions and conveyances necessary for the Town to proceed with the extension and construction of Safford Drive, to connect NH Routes 12 and 32.

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.

The Board held the required public hearings on April 15, 2014 and April 29, 2014, and no one spoke in opposition to the project or the necessary acquisition and conveyance of properties and property interests.

Purchase and Sale Agreements have been drawn up and are in the process of finalization. It is expected that all three purchase and sale agreements (with 234 Old Homestead Highway Realty, LLC, the Cheshire Fair Association, and Monadnock Homestead, LLC) will be presented to the Board for signature at the May 13, 2014 meeting. Bids will be open on May 8, 2014 at 2:00 p.m. Dunham will be present as will Revenue Development District Advisory Board members Glenn Page and Steve Bittel. O'Keefe said that the Town is likely to have six or seven construction bids. A brief discussion occurred regarding the amount of time the Board has to approve the acquisition of the properties.

In support of the proposed extension and laying out of Safford Drive and construction of appurtenant utilities, Hutwelker **moved** to acquire an approximately 2.62-acre portion of existing Tax Map 19, Lot 97-5 (owned by 234 Old Homestead Highway Realty, LLC) and an approximately 1.15-acre portion of existing Tax Map 19, Lot 94 (owned by the Cheshire Fair Association, Inc.) to lay out Safford Drive, to acquire an additional approximately .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 an approximately 1.15-acre portion of Tax Map 19, 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), and to acquire temporary and permanent maintenance easements along NH Route 12 from Monadnock Homestead, LLC on Tax Map 19, Lot 64 for conveyance to the State of New Hampshire Department of Transportation, and the Chair to execute any documents necessary to acquire or convey the specified properties and rights on behalf of the Town. The motion was seconded by Davis. Further discussion occurred regarding Colby's availability for execution of documents and Davis as Vice-Chair taking over his responsibilities in his absence. All were in favor. **Motion passed.**

**Eviction from tax deeded properties**

At the April 22, 2014 meeting, the Board voted to proceed with the eviction of occupants of two Town-owned properties acquired by tax deed, including 3 Fords Road. That process has begun and the Town received a request for background information from New Hampshire Legal Assistance in its effort to

oppose the Town's eviction proceeding on behalf of the occupant and former owner of property at 3 Fords Road.

Back Taxes exceed \$30,000, the 15% penalty amount exceeds \$8,000, and the Town has spent at least \$1,000 on legal expenses on this property in the past year.

The property is in poor condition, is located in wetlands and has little value. The Town Administrator said he believes that in the long term this property should have its structures removed and be returned to wetlands. O'Keefe said that Counsel suggested waiting another week because of the need to do more research.

### **2013 audit**

The Board discussed an adverse opinion to be included in the 2013 audit from Vachon Clukay & Company, specifically that the Town has not implemented GASB 45, accounting and financial reporting of employers for post-employment benefits other than pensions, which was required to be implemented in 2009. There were other issues as well and the auditor invited the Board to provide a management response for inclusion in the audit.

O'Keefe updated the Board saying one concern of the auditor was a reporting matter with the Tax Collector. However, after further review, the auditor now understands the process the Town follows and finds it acceptable, and will be dropping the comment related to the Tax Collector. Another item of concern to the auditor was related to the Treasurer's stamp and that is not an ongoing issue and still needs to be responded to. Finally, regarding post-employment benefits – O'Keefe has been doing some research into costs and he said the cost is approximately \$1,400 and the report can be completed by next week. He said that he is waiting to hear back on a competing price and will report back at the next meeting before proceeding with this work.

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

The Town received an initial proposal from George Sansoucy to perform utility assessment work for the Town. He provided 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.

The Revaluations and Updates Expendable Trust fund has a 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 recently approved, there will only be \$6,224 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 passed out a new Agreement for the Board to review. He said he is waiting to hear back from New Hampshire Department of Revenue Administration (DRA) for contract approval. Hutwelker asked what was new in the contract and O'Keefe pointed out there is a "Non-appropriation" clause in the contract now, item 2.7 "Termination" under "General Services to Be Performed by Sansoucy". O'Keefe also noted there are funds available for this work.

Hutwelker asked about the "Engineering and Appraisal Rate Schedule for 2014" which was included at the end of the contract, and it was unclear when those charges might be made to the Town. O'Keefe will

get a clarification from Sansoucy and it will be reviewed next week by the Board. There was a discussion about the funds available for this work. O'Keefe noted that the Vision appraisal contract will cover abatements to the extent they will provide the technical data, but they will not be negotiating on behalf of the Board.

The Board tabled the proposal for utility property reassessment services from George E. Sansoucy, P.E., LLC until next week when there will be clarification on the Engineering and Appraisal Rate Schedule.

### **NEW BUSINESS**

#### **California Brook Dam/Ice Pond**

Fire Chief Norm Skantze and Director of Public Works Lee Dunham discussed with the Board issues raised by April 28, 2014 letter from the District 4 office of the NHDOT regarding maintenance of the California Brook Dam. In short, the State has not been maintaining the dam since the boards were removed as part of the Cobble Hill Road Bridge replacement in 2013, no longer wishes to maintain the dam, within which a dry hydrant now serves the surrounding area as a water source for firefighting. The State recommended two options: 1) the Town resumes all responsibilities for the dam, including maintenance and NHDES fees by way of a Memorandum of Understanding, or 2) the dry hydrant be modified so it can function under current conditions.

Dunham provided some history regarding the dam. Researching an old deed, it was learned that the owner deeded the dam to the NH DOT in 1952. And the State of New Hampshire Attorney General's office confirmed that NH DOT owns the dam.

Discussion occurred about flashboards being reinstalled and the possibility that NH DOT could drain the pond. Discussion was held regarding the letter from NH DOT of April 28, 2014 asking the Town to take over responsibility of maintaining the dam through a Memorandum of Understanding (MOU). The letter was from John Kallfelz, P.E. District 4 Highway Maintenance Engineer. Chief Skantze said that the pond is useful from a fire protection point of view and does not want to see it drained.

Skantze said he would follow up with Jeff Brillhart, P.E. Assistant Commissioner who received a copy of the letter from Kallfelz. Davis said that the Town doesn't want to own the land, but putting the flashboards in and taking them out is satisfactory maintenance. It was noted that the dry hydrant was installed for the apartments at Evergreen Knoll. Colby said it is a fire safety issue, given nearby apartments. There was a brief discussion on the possibility of reconfiguring the dry hydrant. If there is not a water supply at the site, Skantze said it is a liability to the Town.

Hutwelker asked that Director of Planning and Community Development Sara Carbonneau look into Evergreen Knolls for site plan information pertinent to the pond. The Board agreed.

#### **Project with City of Keene**

Fire Chief Skantze said that he is working with the City of Keene regarding emergency plans for the Dillant-Hopkins Airport. The airport plan has been examined and the long term emergency plan needs to be updated according to Skantze. The Federal Aviation Administration (FAA) has guidance on how to write an emergency plan. Skantze said he provided an outline to the City of Keene to work with on updating the plan. He will be attending monthly meetings with the first meeting scheduled for May, 2014.

### **Air Packs**

Chief Skantze noted credit has been approved for the air packs and the Town Administrator is handling the paperwork.

### **Cleaning of headstones in Town cemeteries**

Director of Public Works Lee Dunham reviewed with the Board the Public Works Department request for permission to allow resident Tammie Davis to clean old cemetery headstones on a voluntary basis under the direction of the Department. Dunham said that the Board of Selectmen constitutes the Cemetery Board of Trustees and it is they who should be authorizing this activity, not Dunham. Dunham said he has no problem providing materials to Davis, but wants some say as to how the work is done. Dunham said Davis has done this kind of work in the past. Davis is working on old stones that won't impact on any family that is living. Hutwelker asked what issue arose that caused Davis to stop working. Dunham said Davis was thinking about using bleach, and he went on to say that he didn't think bleach is recommended by the New Hampshire Old Graveyard Association, which is a State institution. This organization recommends practices for maintaining gravestones. O'Keefe noted that Davis would be covered by the Town's insurance as a volunteer. But any damage done to the gravestones is not covered because technically the Town doesn't own the stones.

Hutwelker asked if Dunham would approve of a more generic authorization from the Board so that others in addition to Davis might be able to clean headstones. Dunham agreed.

Hutwelker **moved** to authorize a volunteer(s) to clean cemetery headstones under the supervision of the Department of Public Works and following best practices of the New Hampshire Old Graveyard Association. There was a second from Davis. All were in favor.

***Motion passed.***

### **Tree removal on Pine Street**

The Board was asked to grant permission to the Public Works Department to remove trees at the edge of the road at 120 Pine Street, a Town-owned property acquired by tax deed in 2013 located across from the exit of the Recycling Center. The trees can block a driver's ability to see around the corner and therefore pose a hazard. They are overhanging the road. Colby determined that the electrical wires are on the opposite side of the road and therefore not a hindrance to tree removal. Dunham's crew will do the work at no additional cost. The Board agreed to have DPW to remove the trees and brush along the edge of the road located at 120 Pine Street.

### **120 Pine Street House**

There followed a discussion regarding the contents of the house at 120 Pine Street now owned by the Town. O'Keefe said that there are still possessions from the former owner at the house, including car parts. O'Keefe suggested charging the previous owner for removal of the possessions. O'Keefe said he would like to see the building empty. The previous owner has been working at removal of his belongings but there still some items left.

Hutwelker recommended giving the previous owner two more days to remove his belongings instead of charging any money. There has been a DPW employee stationed at the house all day when it has been cleared. O'Keefe suggested charging the prior owner for the cost of the DPW employee. There was a concern expressed that asking the prior owner to pay for removal of the possessions might have a negative effect on his moving efforts. The Board authorized Dunham to work with the property owner to clear the building of possessions.

### **Mower for Department of Public Works**

A brief discussion was held as to whether or not the DPW is in need of a new mower.

### **Health Care Reform Update**

O'Keefe informed the Board that the Affordable Care Act gives employers of the Town of Swanzey's size until 2016 to institute 30 hours per week as a full work week for determining health care benefits.

### **Update on Cobble Hill Road Property**

O'Keefe said there is a problem with the tax deed for Cobble Hill Road property acquired by the Town by tax deed. In 2011 the Town didn't give notice to the State about an old age assistance lien on the property. Now there is some question as to ownership of the property. The Town Attorney is working on this and we will not hear back from the State until May 13, 2014 at the soonest

### **Senator Bob Smith Requests use of Town Hall**

Jim McConnell spoke to the Board saying he is representing former New Hampshire Senator Bob Smith run for office and Smith wants to have a Town Hall meeting Saturday, May 17<sup>th</sup> at 4:30 p.m. at Town Hall which might last for an hour and a half depending on the number of people who show up. This event would not just be for Swanzey residents and it would be publicized throughout the area.

Hutwelker said the political nature of the meeting poses a problem. He pointed out that if there was a forum or a debate that was viewed as a non-partisan event that would be preferred from the Town's perspective. McConnell said that it is Board's call, and he will find another venue if the Board declines to host the meeting. Hutwelker said he personally would ask McConnell to find another place. Colby said that he suspects that the proper approach is to deny use for individual politicians. The Board agreed to deny the request but encouraged McConnell to seek another venue in Town for the meeting.

### **Proclamation by the Governor of the State of New Hampshire**

O'Keefe passed to the Board a printout of Governor Margaret Wood Hassan's Proclamation of Public Works Week, May 18 – 24, 2014.

**Motion** by Hutwelker to concur with the Governor's Public Works Proclamation in recognition of the substantial contributions public works professional have made to the health, safety, welfare, and quality of life for the citizens of New Hampshire and to proclaim that the week of May 18 – 24, 2014 be Public Works Week. The motion was seconded by Davis and all were in favor.

***Motion passed.***

### **Affidavit of Execution of Real Estate Tax Lien**

**Motion** by Davis, second by Hutwelker to acknowledge reception of an Affidavit of Execution of Real Estate Tax Lien signed by the Tax Collector, and notarized by Warren W. Loock, Notary Public, on May 1, 2014.

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

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:54 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 7:59 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.**

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

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(c) , Reputation. The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:04 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 Hutwelker 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.

**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.**

### **Non-Public Sessions**

Discussion was held pertinent to statutes defining when a Town in the State of New Hampshire can legally conduct a non-public session.

### **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.**

- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., Map 75, Lot(s) 3.
- Notice of Intent to Cut Wood or Timber. Laura & Shane Maxfield, Map 61, Lot(s) 2-4.
- Notice of Intent to Cut Wood or Timber. Yale University, Map 50, Lot(s) 3, 11 & 12..
- Certification of Yield Taxes Assessed and Yield Tax Levy. Meadowsend Timberland LTD, Map 47, Lot 1; Map 49, Lot4; & Map 58, Lot 29 – \$2,473.32.
- Certification of Yield Taxes Assessed and Yield Tax Levy. Glen Hurd, Map 74, Lot 189 – \$206.46.
- Gravel Tax Levy. Johnson Family Trust, Map 12, Lot 5 – \$87.20
- Personnel Action Report(s).

**Next meeting at on May 13, 2014 will be held at 5:00 p.m.**

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Davis. All were in favor. **Motion passed.**  
Adjournment occurred at 8:13 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary

Approved on May 13, 2014.

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #1 – May 6, 2014

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

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of Public Employees. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:54 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.

O’Keefe updated the Board with regard to the candidates for positions open at the Carpenter Home. Carpenter Home Administrator Dawn Rice is current on Leave. Interviews with several candidates have taken place with Human Resources and Services Coordinator Edna Coates and Carpenter Home staff members Donna Allen and Donna Clark. O’Keefe said that Rice did review the resumes for the candidates and agreed to have the hiring process continue without her. The candidates are Judy Augusta (LPN), Felicia Tarr, Laura Guyette and Danelle Crowder-Smith (LNA).

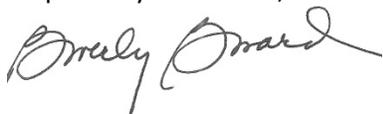
It was noted that background checks cannot be done until a conditional offer is made. O’Keefe requested of the Board approval to make conditional offers to the candidates. The offers will subsequently be finalized with appropriate pay rates.

**Motion** was made by Hutwelker to make conditional offers of employment at the Carpenter Home to Judy Augusta, Felicia Tarr, Laura Guyette, and Danelle Crowder-Smith and to authorize the Town Administrator to execute the offer and complete the necessary paperwork. There was a second by Davis. 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 7:59 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 May 13, 2014.

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